THE

The Parliamentary Regiſter;

OR

HISTORY

OF THE

PROCEEDINGS AND DEBATES

OF THE

HOUSE OF LORDS;

CONTAINING AN ACCOUNT OF

The moſt intereſting SPEECHES and MOTIONS; accurate Copies of the moſt remarkable LETTERS and PAPERS; of the moſt material EVIDENCE, PETITIONS, &c. laid before and offered to the HOUSE,

DURING THE

FOURTH SESSION of the SEVENTEENTH PARLIAMENT

OF

GREAT BRITAIN.

VOL. XXXIX.

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☞ *The Binder is desired to take notice, that Vol.* XXXIX. *contains the Debates of the House of Lords. The Signatures are Italic, and by mistake printed Vol.* XXXVIII.

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THE

HISTOR[illegible]

OF THE

PROCEEDINGS AND DEBATES

OF THE

HOUSE OF LORDS,

In the FOURTH SESSION of the

Seventeenth Parliament of GREAT BRITAIN,

Appointed to be holden at WESTMINSTER,

On THURSDAY, the 25th of NOVEMBER, 17[illegible]

Tuesday, 21st January.

AT a quarter past three o'clock, His Majesty came do[illegible] House of Peers; and being seated on the Throne, and the Commons attending, His Majesty was pleased to deliver a most gracious Speech from the Throne, [*for which see the Proceedings of the House of Commons*].

His Majesty having retired, Lord Grenville laid on the table, copies of treaties which had been entered into between His Majesty and several foreign Powers.

The LORD CHANCELLOR, from the woolsack, then read His Majesty's Speech, and the Clerk afterwards at the table.

Lord STAIR rose to move the address. His Lordship, in his exordium, expressed himself sensible of his inability to acquit himself with that perspicuity necessary to enforce what he would have the honour to propose to their Lordships. He felt it, however, not only his duty, but that of every man at the present important crisis, to impress, not only on their own minds, but that of the people,

the ſentiments contained in his Majeſty's moſt gracious ſpeech. When he conſidered the misfortunes of a neighbouring country, where the miſeries naturally attendant on anarchy and confuſion continued to prevail, and contemplated the ſecurity afforded by the Laws and the Conſtitution of England, he conceived that it would be degrading in the extreme, to his country, to draw a compariſon between the two nations. It was indeed, he obſerved, unneceſſary to ſay a ſingle word on the advantages which the people of Great Britain enjoyed above all others. With reſpect to the ſentiments breathed in his Majeſty's moſt gracious ſpeech, theſe muſt alſo meet the approbation of their Lordſhips, when they conſidered the ſtate of affairs with reſpect to France, at the period when we engaged in the war, and what it appeared to be, and was at preſent. When, in conſequence of the aggreſſion of the French, we engaged in hoſtilities againſt that diſtracted country, ſhe was in poſſeſſion of all the Netherlands, had taken Nice and Savoy, and threatened Italy with invaſion. The other powers of Europe were ſhocked and amazed at her ſchemes of aggrandizement; but, inſpired by our interference, thoſe powers, with the additional hopes of retribution, proſecuted the war againſt France with vigour. The conſequence was, that the Netherlands were recovered, and Valenciennes, which the National Convention admitted was the key to France, ſurrendered to the combined efforts of the allies, and the brave and ſpirited exertions of the Britiſh. Defeated on the Rhine, driven from Alſace, their armies deſtroyed, Valenciennes in the hands of the Auſtrians, and the ſouthern provinces exhauſted: in ſuch a ſituation, ſurely we could not have heſitated to proſecute the war with vigour. And here his Lordſhip remarked, as a farther ſtimulus for the proſecuting another campaign, it ſhould be remembered, that we have got a footing in St. Domingo, which, under the preſent wiſe Adminiſtration, he had little doubt would be followed by the conqueſt of that great and valuable iſland. In addition, he did not believe, at this moment, in any one of the French ſettlements in the Eaſt Indies, that the French flag was flying, and he muſt briefly remark, that the ſituation of the war at preſent, bore the moſt proſperous and hopeful aſpect for this country. He next called the attention of their Lordſhips to the ſucceſs of the Britiſh navy. Since the memorable battle of La Hogue, there was never a more diſtinguiſhed or brilliant maritime enterpriſe accompliſhed, than what had been accompliſhed by Lord Hood; not that the affair at La Hogue was to be compared to what this country had gained, by the burning the enemy's ſhips at Toulon, and bringing away in triumph others. The arſenal and deſtruction of the naval ſtores of

the second seaport in France, was a circumstance that she cannot repair for years. These were facts that must have great weight with their Lordships, and impress on their minds the sentiments contained in his Majesty's most gracious speech, and the impolicy of relinquishing a war in which France never suffered so great a series of mischief. It was also a pleasing consideration for their Lordships, that while the French were thus crippled in their navy, ours never suffered less, and our marine was never on a more respectable footing, nor better able to protect our coasts and trade from the depredations of our enemies. It would be idle and culpable not to accord with his Majesty in his sentiments, for he had now the power of crushing France, and to prevent her for years from troubling Europe. Her rulers, in addition to this, have acted with the most unparalleled depredations in their own country; they have erased Lyons, the first manufacturing town in France; they have determined that Toulon shall share the same fate; but they spared Bourdeaux, on condition that every man of property should deliver it up, under the pain of being massacred if he concealed his riches. La Vendee was without a house or a human creature, and every inhabitant attached to loyalty, fell a victim to his principles. For twenty miles round that province had been ravaged, and throughout France there was no security for liberty or life. Manufacturers were torn from their looms, and sent to the war, and the grain was seized from the poor, who were left to languish and starve, while their property, and the means of existence were distributed among the troops. In addition to these afflictions, her internal trade was destroyed, and therefore he wished to ask the advocates for peace how was it possible for a country thus distressed, and so situated, could carry on a war against the combined powers and riches of Europe? Revenue, he insisted, she had not; and if she had, there were none who dare collect the imposts. Her lands had been sold and re-sold by her rulers; a second time they had plundered her churches, and as to the forced levies, many had reluctantly left Paris, but there were few who would return. War, he confessed, should not be the object of a commercial country, it was what every prudent and good statesman should avoid, but there were cases in which it would be destruction not to have recourse to this extremity. And here he requested the attention of their Lordships, while he observed, that though our manufactures might receive a temporary check in consequence of the less of the French markets, and the state of Europe on the Continent, yet Spain and all the nations at war against France was open to our manufactures, which would more than compensate for the losses sustained in consequence of existing

hostilities with that country. In the West Indies we had been remarkably successful; and his Lordship asserted, as a circumstance which he had just heard, that so essentially had our war with France increased our consequence in the East Indies, "That the cargoes which had lain on hand without a bidder during the previous season, now brought a profit of cent. per cent. to the owners." Who, then, he asked, would call upon the nation to relax in her efforts to subdue a nation, that had almost, from the wickedness of her own rulers, subdued herself? Was there any noble Lord, who, for the sake of a momentary repose, would wish the future security of a permanent peace? Who, he asked, would venture to wish for peace, when the consequences may be the introduction of anarchy and confusion into this happy country? If France were to depart from these, and sue for peace, it would be then probably a seasonable time to hearken to her proposals; but, in the present situation of affairs, he was convinced that nothing but the most vigourous perseverance would secure permanent tranquillity, and prevent the mischiefs with which, by a premature cessation from hostilities, this country was menaced. Impressed with these ideas, and approving of every sentiment expressed in the speech from the throne, his Lordship moved an address, which was, as usual, the echo of the speech.

Lord AUCKLAND conceived, that as every noble Peer must feel with the noble Lord who had spoken last, the propriety and policy of the sentiments contained in His Majesty's most gracious speech, it was unnecessary for him to consume much of their Lordships' time, in enlarging on a subject which had been so amply illustrated by the noble Lord who moved the Address, which he would have the honour to second. In taking a view of the subject, he would abstain from acrimony of expression; the crimes and calamities of France were such as to beggar all language, to outrun the imagination, and to set description at defiance. He would equally abstain from details; the miseries and mad excesses of the French, had so long absorbed every other subject of thought and conversation, and that it was not easy to suggest any thing new respecting them. He would endeavour to appreciate the real situation of affairs. If that situation were well understood, he could with confidence repose himself for the final result of the war on the wisdom of Parliament, on the good sense of the people of England, and on that general attachment to our happy constitution, which so remarkably displays itself in the present crisis. His opinions would lead him to offer to the House, on the fullest reflection, a chearful view [illegible] uestion and reasonable grounds of hope; perhaps the inge-

nuity of other noble Lords would offer the reverse. He then recapitulated the advantages gained; he laid some stress on the importance of the frontier towns of France, taken by, and still in the possession of, the allied armies. With respect to the French colonies, there was reason to believe that many of the most valuable of them would soon belong to Great Britain. He was not inclined to consider the French navy as contemptible; but our navy, by the efficient exertions of the Admiralty, was become indisputably and greatly superior; he believed he might add, that more men had been raised for the English navy, in the course of the last twelve months, than in any year of any former war; and recently a blow had been given to the naval power of France, (in those seas where she lately rode triumphant) to an extent which, in ordinary times, would have been thought a full compensation for the expence of a whole campaign: he would add, that many considerable Powers had joined us in a cause which affects the honour and essential interests of every Government of every description. If we could stop here, he said we might flatter ourselves with a speedy return of that tranquillity which had lately been driven from men's bosoms, and in the place of which the French had presented the most hideous dream of sedition, rapine, and murder. We must, however, look to the position of the enemy, as well as to our own; and he confessed himself to see with anxiety, though not with discouragement, the new invention of raising an armed force by the operation of popular tyranny. The rising in a mass was certainly a terrible expedient, and the more so, as it could not be imitated by other nations who retain a respect for law, justice, and humanity: but it carried with it its own antidote, as it would not easily be repeated, as it exhausts the country which employs it, and as it prepares the minds of men for a more rational mode of government. He could render justice to the talents of the present leading regicides, and to the ability with which their combination against God and man, against the liberties and religion of the world, had been formed and conducted. It was, however, the pressure of their crimes and of their situation which had prompted them to this desperate and unheard-of exertion.—They had used confiscation, imprisonment, and massacre, as the means of filling their treasury, of enforcing their paper currency, and of completing their armies. History shewed examples of great nations over-run and swept from the face of the earth by hordes of barbarians; in the present age, all the ferocity of barbarism had been engrafted on the corruption of polished society, and supported by the modern arts of war, by all the advantages resulting from the force of language, and the invention of printing; and above all, by

that perversion of principle which seeks the destruction of every thing valuable or respectable; and certainly, no army can be more formidable, whilst it lasts, than an army of robbers and murderers. Perhaps it was no paradox to say, that against such an army, the progress and result of the war would not entirely depend on the number of our victories, or on the extent of our conquests. The surest mode, perhaps, would be, in our resisting their progress, till they should ultimately defeat themselves by sinking under their own unnatural exertions. Under such a state of circumstances, would any noble Lord advise His Majesty to open a negociation for a peace or for an armistice? Such a proposition was big with absurdity, folly, and dishonour. It supposed a compact with men who, by their perfidious seizure of our merchants' property, contrary to the commercial treaty, have shewn themselves regardless of public faith, and who have established it as a principle, that what they call a free people, ought not to be restrained by any compact whatever. Supposing a treaty to be made with them, would it be possible to disarm on the faith of such a treaty? Would it be expedient, for the sake of such a treaty, to renounce the prospects which we now have of taking their foreign possessions? They have declared that they will build large fleets: in such a moment, and with a great superiority on our part, would it be wise to withdraw our fleets, in order to give to France the means of completing hers? There was another possible mode of conduct, but so grossly dishonourable, that he was ashamed to mention it; he meant the withdrawing our armies from the Continent; the consequence of which would be, that the Austrian Netherlands and the United Provinces would fall into the possession of the regicide hordes, and of such malignant and desperate adventurers as might be collected from every other nation. From that hour, every port now open to our trade between Denmark and France, would be in the same state as the unfortunate town of Bourdeaux; and all the ports of Holland would be crouded with pirate vessels, manned by the refuse of France, and paid by the pillage of Amsterdam. It had happened to him to see the near approach of the calamity which he was now describing: it had been prevented by the wise exertions of the King's Ministers and of the Republic of Holland; but from what he had since seen in General Dumourier's printed correspondence, it is evident, that if the French army had succeeded in passing the Moerdyck, their General would have employed with effect the riches, resources, and local advantages of the United Provinces, and would have mocked every effort to drive him again out of Holland. Lord Auckland here said, that he laid stress on this point, because he thought that much must de-

pend on maintaining the Continental war with the utmost vigour and effect; that there was no other mode of effectually crushing the unprovoked hostilities which France had begun, and was driving against us: that there were possible cases of insular policy, in which our interests might differ from those of the Continent; but he would venture to assert, that the day which should see the Austrian Netherlands and the United Provinces completely possessed by France, would not long precede the general confusion of Europe, and ultimately the downfall of Great Britain. He might, perhaps, be asked whether he would continue the war, so long as the confusions of France should continue? He would answer, that the war had not, on the part of England, been a war either of ambition or expediency, but of strict necessity; and that he would continue it not so long as the confusions of France should continue, but so long as those confusions should profess and struggle to extend themselves over every other country. Our situation called for the union of whatever was wise and respectable in Parliament; for the union of all the power, faculties, and exertion of the nation. He felt strong hopes that the event would be decidedly favourable to our prosperity and security. He saw France destroying herself by exertions, which he trusted would end in her ruin, before she could effectuate the ruin which she malignantly sought to carry to other nations; he saw her beggared by the dereliction of her manufactures, commerce, and agriculture; torne by civil dissentions, depopulated by maintaining fourteen armies, by famine, by emigration, by a general depravity of manners; and above all, by that permanent massacre which had prevailed from the 2d of September, 1792, and which was called in France "a continued exercise of a Revolutionary Power." Nor was it possible that she could long maintain her expence, without taxes, or the power of imposing taxes. It appears, by the late reports of the Convention, that her expences in one month are equal to the war expences of England in a year.—On our part, the prospect was the reverse. The interior of the kingdom was opulent and prosperous; new markets were opening for our merchants and manufacturers in the Mediterranean and in the West Indies; and our income was such, as to have produced in the last year a larger sum than was stated by Mr. Pitt in 1791 as the probable peace revenue. Lastly, there was some encouragement in the consciousness of a just and righteous cause. On the whole, he trusted, and was persuaded, that, by the blessing of God, Great Britain would add to the best and brightest pages of her history, the glory of protecting the independence of Europe, and of preserving the whole system of civil and religious society, and the existing

and future ages of mankind, from the miseries with which the French pestilence has menaced them. His Lordship concluded by seconding the motion for the address.

Lord GUILDFORD. It is impossible that any noble Lord in this House can refuse to congratulate His Majesty upon the bravery of his army and navy. It is impossible that any person can withold his congratulations upon the success of His Majesty's arms by sea and land, and it is equally impossible that any loyal subject should wish to keep back that aid which may be necessary to obtain every just and honourable object that His Majesty may be in pursuit of; but when it is proposed to support His Majesty in the prosecution of the war, it becomes the dignity and wisdom of this House to consider the object and end of it. When it was first proposed in this House to prosecute the present unfortunate war with vigour, and when we met here last, the avowed object of it, and that openly professed by His Majesty's Ministers, was the protection of our allies, and the security of these kingdoms; but sorry am I to hear from the noble Lord who moved, and the noble Lord who seconded the address, and who may be considered as in some measure connected with the Minister, that that object, by which many noble Lords were induced to assent to the war, is now changed, and nothing less is professed this day than the restoration of Monarchy, as it was established under the old Government. It is of little consequence in whose person it is to be established, and vain are the efforts, if they are made only to substitute Calonne for Roberspierre or Danton. When Lord Hood negociated with the Toulonese, and when they were induced to receive him into their port, it was under the express stipulation of supporting the Constitution of 1789; but of the Constitution of 1789, which has been properly stiled a "Magnificent fabric of human wisdom and virtue," and against which our allies on the Continent have declared war, we this day hear not a word. If my Lord Hood was not authorised to propose the terms which he offered, his public declaration to the people of France is a scandalous reflection upon the Government of this country. Does the address propose that we should prosecute the war for the protection of our allies? Has Holland once entered into the minds of His Majesty's Ministers, or the noble Lords who with so much eloquence supported the address? It is but too obvious from the language which they have used, that the objects which they have in view are widely different from those by which they lured the Public into this unfortunate war. Let us, however, for a moment suppose that the end which they wish to obtain is the protection of Holland and of Great Britain against the incursions of the French

Republicans, give me leave to ask your Lordships, whether this end could not have been as effectually obtained, and much more effectually obtained by negociation than by warfare? Was it not proposed to them, before we were plunged into the horrors and devastation of war, to try the experiment of negociation? When that had failed, it would have been time enough to commence hostilities; and there are few, I believe, who are not now convinced that the safety of Holland would have been better secured by the conciliating voice of our Ambassador at Paris, than by the thunder of cannon. It may be said, that the moment I allude to was not the most favourable, that the French were at that time so elated with their astonishing and before unheard-of successes, that they would have listened to no terms which the dignity of Great Britain, and her good faith to her allies, could have permitted her to offer. The history of that period, and the language and efforts of her Ministers, Ambassadors, and Generals, afford a complete refutation of such an assertion. But let us even here again concede to those who are of this opinion. We know of another period, the circumstances of which can give no support to such an argument: were they not sufficiently humbled in the course of last summer, by a retreat as speedy and disastrous as their march was rapid and victorious—When their army had been half destroyed, and the remains of it had been almost totally disorganized—When they had been driven from Brabant, and had been unsuccefsful from Western Flanders to the Rhine—When several of their provinces had been invaded, and their most important fortresses had been subdued, is there a noble Lord in this House who does not in his conscience believe that they would have been eager to listen to such terms of peace as became the dignity and justice of this country to offer? If insolence is too often the attendant of prosperity, adversity is generally accompanied by moderation and humility. Much has been said of the signal advantages we have gained over them, and the certain prospect we have of a speedy peace, by vigorously exerting the strength and applying the resources of this country in the prosecution of the war. Our advantages, I much fear, will be greatly counterbalanced by the expences we have incurred, and the losses sustained by our traders and manufacturers. If we also compare the conquests made by the allies with the present position of the French armies, it is much to be feared, that the former have not much to boast of. May it not reasonably be inquired, whether we have not already obtained the end which we proposed; and after the obtaining of which, His Majesty's Ministers repeatedly and solemnly declared they would pursue every measure that should tend to procure a speedy, safe, and ho-

nourable peace? Our allies, the Dutch, are in perfect security. The French have been driven from their territories, and confined within limits, beyond which we ought not to attempt to pass. The noble Lords admit, that they have made the most stupendous efforts, and such as have astonished all Europe; but this, rising in a mass, say they, cannot be repeated. It is a violent convulsion which must exhaust the nation, or, at least, so far weaken it, as to bring it to a low pitch of humiliation. The same causes, my Lords, will produce the same effects. The pressure of an invading enemy only bends the bow to give the arrow a greater force. Their extensive territories we are all acquainted with; their vast numbers, and great internal resources, are unquestioned; and whatever may be their dissensions and massacres, we find them capable of bringing into the field, troops that have successfully opposed the best disciplined armies in Europe. What reason have you to believe, that those troops which they will oppose to us in the next campaign, will be less disciplined, or worse appointed than those we have already had to contend with? History teaches us that experience makes the soldier, and practice often leads to victory. The cruelties practised at Lyons, which have been painted in such glowing colours by the noble Lords, and to no one are they more abhorrent than to me—The destruction of that first manufacturing city in the world, as they have called it—the massacre and banishment of its numerous inhabitants to the interior provinces, all forming, as they say, a dreadful prelude to the fate of the not less celebrated city of Toulon—The wars and murders of La Vendee, the finest province in France, are urged, to shew that the French are so reduced that they cannot long resist the formidable powers of the allies.—Here let me again ask, whether the desolation of La Vendee, and the destruction of those once famed and flourishing cities, will encourage other provinces to revolt against the existing Government and induce Bourdeaux, Marseilles, and Dunkirk, to expose themselves to the same exterminating vengeance? There is another argument adduced to encourage us in the prosecution of the war arising from the destruction of the ships and naval stores at Toulon. The noble Lord who moved the address says, that this alone will compensate us for all our losses and expences incurred during the war; and whatever may be their future form of Government, they will not for many years, perhaps an age to come, be able to disturb the tranquillity of this country. To estimate our gain by the losses of the French is not the most accurate method of calculation. I cannot see how the reducing of France to poverty will enrich Great Britain; and I shall have occasion to shew presently that it will

have a contrary effect. Was it for the purpose of making a partition of France amongst the allies, that we so benevolently interfered? Was it then, for the purpose of destroying her wonted consequence, that we so humanely interposed our fleets and armies in behalf of Louis XVII.? Is it to reduce her for the future to the lowest degree in the scale of nations, whatever may be her form of Government, that we are to prosecute this disastrous war? Our allies may, perhaps, owe us some obligations if this be the case; but no Frenchmen of any description, Royalists or Republicans, can thank us after having discovered this cloven foot. The arguments suggested in favour of the continuance of the war may in general be reduced to two heads: The policy of it, and the necessity of it.—The policy of it, if there be any, must be founded upon some present gain, or future advantage that we are to reap from it. Circumstanced as the two countries are, our interest would be promoted by its prosperity, rather than ruin. A neighbouring nation, desolated and impoverished, can hold out no advantage to this country, whose prosperity depends upon the flourishing state of her trade and commerce. If you dry up the resources of France, you destroy your own markets. If you desolate her, she will have no commodities to exchange with you, or money to purchase what you have to sell. But be the policy what it may, if it be not founded in justice and in honour, it should be spurned by a nation hitherto famed for those distinguished virtues. The arguments adduced to prove the necessity of continuing our warlike operations against France, may be reduced to three heads. It is said, that we must go on,

First, Because it is necessary to oppose the progress of the French arms.

Secondly, It is necessary thereby to prevent the propagation of French principles.

Thirdly, We must persevere, until such a Government can be established that will induce us to treat, under the fairest prospect of obtaining a lasting and honourable peace.

I mean not to deny, my Lords, that the progress of the French arms was at one time very alarming. It threatened the annihilation of the Dutch, our most valuable allies; and if it had not been timely checked, it might have endangered (I scruple not to say it) the salvation of this country. The state of things is however, now quite reversed; the French are separated from them by a sufficient distance; and some regard ought to be paid to their public declarations, viz. "That they do not mean to interfere in the internal Government of any country, nor will they make war upon any nation that is not the aggressor. But have His Majesty's Ministers

calculated the force and the resources by which they are to accomplish this important end? Much reliance, no doubt, must be placed upon the assistance of our allies, who, as the speech expresses, have entered into an almost general confederacy; but our hopes cannot be much brightened by the prospect of assistance from those whom we are obliged to subsidize for their own preservation. It is notorious to all Europe, that the resources of Austria are exhausted. The Emperor can no longer levy fresh imposts upon his subjects, and he is left to the precarious support of private benevolences, and the loyal contribution of individuals. As to the King of Prussia, his distresses are no secret in Europe. It is well known that he either cannot, or will not contribute any material assistance to another campaign. From whom he expects assistance I know not; but I know the Parliament of Great Britain will hesitate before they tax their own husbandmen and manufacturers, to ease the burdens of the peasantry of Brandenburg. But it is urged, that we must at any rate prevent the importation of French principles, that are destructive of the peace of every civilized, and well-regulated Government. The doctrine is not more exploded, that you cannot make converts by the sword, than that you cannot prevent the dissemination of political, or any other principles, by the aid of arms. But what more apt means than those used by the allies could have been devised to spread the false philosophy of the French, which is justly reprobated by every wise and good man? If you wish to crush the Jacobines of this country; if you desire to render abortive the machinations of a British Convention; if, my Lords, you would impress upon the minds of His Majesty's subjects, a sense of the inestimable blessings resulting from our excellent Constitution of King, Lords and Commons, prove to them that they have a Government that will secure to them their liberty and property, together with all the advantages of peace and prosperity. It is in vain that you tell them the British Constitution is the wisest and best that was ever framed, you must make them feel that they actually enjoy under it those advantages which it is calculated to afford them.

Lastly, It is said that you have no persons to treat with who have the power or inclination to secure to you a lasting peace. If I were asked who those are with whom we ought to open a negociation, I would answer, those men (be they whom they may) who have the direction of the arms and of the force of the country.

I cannot suspect that there is a noble Lord present who is not convinced, that if you offer them terms which are safe, they will close with you, and the treaty, which it is their interest to conclude, the same interest will bind them to observe. No difficulty ought to arise

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from the form of the Government with which I propose you should negociate peace. We are at peace with Governments that bear a strong resemblance to that now existing in France. We have treated with those of the same description, and we are actually in alliance with Dantzick. I shall, therefore, submit an amendment to be inserted after the third or fourth paragraph of the address. His Lordship then read it to the following effect: "That this House do thank His Majesty for the gracious declarations which he has been pleased to make of the views and principles by which he is guided, in the prosecution of the present war; but they hoped His Majesty would seize the earliest opportunity to conclude a peace, by which the permanent safety of his subjects, and the independence and security of Europe may be provided for; and that they humbly hope no difficulty may prevent the attainment of so desirable an object from the form of Government which may be established in France."

I shall only trouble the House, added his Lordship, with one or two more observations. The resources of this country are unquestionably great, but it behoves His Majesty's Ministers to reflect on the inevitable losses which we have sustained since the commencement of hostilities, and the heavy distresses under which our manufacturers, and all the lower classes of the people labour. When new burdens are laid on, I believe their ability to sustain them has not been estimated. However the war may terminate, there is no possibility of our being reimbursed; and when it may terminate, the noble Lords can only form a very uncertain guess. One thing appears clear, viz. that there is no probability of its ending successfully, under the management of those who have the present direction of it. If we must go on, let the business be entrusted to those who have abilities to conduct it more successfully; and if, from the justice of the cause in which we are embarked, we have reason to hope for the interposition of him who is the ruler of the nations of the earth, let us seek for agents to whom he may be more propitious than to those who have hurried us, and wish to plunge us deeper into the miseries of this ill-fated war.

The Duke of PORTLAND said, he felt it so strongly incumbent upon him to give something more than a silent vote upon the occasion, that he was thus early anxious to offer himself to their Lordships' notice. He had, at the commencement of the war last year, acknowledged his opinion of the justice and necessity of it; and he was now more convinced of both. He thought it the duty of every man to concur in strengthening the hands of Government, as a vigorous prosecution of the war appeared to him the only means

of ſaving the country, and bringing the war to an honourable and favourable iſſue. He obſerved, he did not know to what the amendment could tend, unleſs it went to recommend a breach of all the treaties which exiſted between this country and foreign powers—a meaſure which it would unqueſtionably be diſhonourable for this country to purſue, and which muſt ultimately end in our ruin and diſgrace. His Grace ſaid, that he ſhould give his ſupport to Miniſters, and therefore would vote for the addreſs.

The Earl of GUILDFORD explained. He ſaid, he did not mean his amendment to go to the diſſolution of treaties, but merely that a peace ſhould be made when ſuch a thing ſhould to his Majeſty appear practicable.

Earl SPENCER ſaid, that being firmly perſuaded of the juſtice and neceſſity of the war, the object of which appeared to him to be no leſs than the preſervation of all order, and every other valuable advantage of civil ſociety: he could not help uniting with all the real friends of the eſtabliſhed Conſtitution of this kingdom, in order to confirm his Majeſty's Miniſters in the intention they had declared, in the ſpeech from the throne, of proſecuting the war with vigour and perſeverance, and pledging himſelf to them, to that Houſe, and to the public, that in ſuch proſecution of it they ſhould have his decided and unequivocal ſupport. The intereſts involved in this conteſt ſeemed to him to be ſo important, that if it were neceſſary, in the ſupport of them, to give up every perſonal conſideration, he ſhould think it his duty to make the ſacrifice; but he had the ſatisfaction of feeling that, on the preſent occaſion, ſo great a ſacrifice was not required of him. There were perſons, he knew and lamented it, of whoſe abilities and virtues he could never think without admiration and affection, whoſe language and conduct, ſince the commencement of the war, had appeared to him ſo intimately connected with principles ſubverſive of all that he thought eſſential to the intereſts of this country, that it would be impoſſible for him to act in concert with them; but there were others with whom he had been equally in the habit of concurring, and for whom he entertained ſentiments of the ſtrongeſt attachment and confidence, with whom he was perſuaded he ſhould completely concur on this occaſion. That as they had agreed in thinking laſt year that the war was juſt and neceſſary, they ſhould alſo agree now that nothing had ſince happened to make it leſs ſo; and that the moſt vigorous proſecution of it is the only means of preſerving the independence and Conſtitution of this country; that, as they had concurred in ſupporting the principal meaſures of Government in the laſt ſeſſion, they ſhould now no leſs concur in continuing and invigorating that

support. He should therefore decidedly vote for the address, because he was convinced that such a peace as could alone be desirable, was only to be obtained by a perseverance in vigorously prosecuting the war, and not through the medium of any such motion as that of the amendment proposed by the noble Earl.

The Earl of COVENTRY said, if the Ministry of this country did not oppose the mad politics of France—if they did not put a stop to the wild enthusiasm of the Republic, your wooden walls would be useless; he would not give five years purchase for the existence of England; what would have been the consequence, had the arms of France over-run the United Provinces? He would not hesitate a moment to assert, that Britain would fall, her proud navy could not protect her. His Lordship said, he could not more comprehensively describe the necessity of prosecuting the war, than by one short sentence; he would not say, as the Roman patriot did of old, *delenda est Carthago*, but, *minuenda est Gallia*; a truth so undeniable, that it needed not an argument to illustrate or establish its verity. For these reasons, the Earl declared, he gloried in the cause in which the Ministry had embarked, and assured them that they should have his steady support.

The Duke of NORFOLK said, there was no man in the House more anxious for the maintaining our happy Constitution than he was; yet he could not induce himself to suppose that those imaginary dangers warrant Ministry in continuing the war. He hoped, that in the last session, when he had often been told in that House, that Ministry embarked in the war to protect the United States, that when they had accomplished their object, they would have withdrawn their troops, or else contented themselves with forming a barrier to protect those allies for whom we were so dreadfully alarmed. But he was sorry to see the object now disclaimed, and lamented seeing the country plunged into a continental war, which was likely to exhaust her finances, and which already had plunged the people of this country into such unheard-of calamities. Ministers rushed into the war, supported by popular caprice; but he denied that the people were now anxious for the continuance of hostilities. He had, from his fortune, his connections in the country, an opportunity of knowing their sentiments; and he pledged himself to the House, that he could meet with no person now approving of the measures of Ministry. He saw the people lamenting their ill-judged ambition, and regretting their imprudence which encouraged their destructive career; he was now convinced of what he ever had supposed before, that there were no grounds for the panic of Government; no danger of the introduction of French principles

in this country. The people ſaw too dreadful an example in France, to imitate their conduct here. He condemned the conduct of Miniſtry in rejecting all negociation with France; that alone which could ſave the blood of Europe, and terminate thoſe dreadful calamities. The noble Duke hinted, that he thought Lord Spencer ſomewhat ſevere upon the noble and honourable perſonages with whom he had formerly acted. He adverted to what the noble Earl had ſaid of ſacrificing party connections, and paid ſome handſome compliments to the Member of Parliament ſuppoſed to have been alluded to.

Earl SPENCER explained, that he did not mean to impute improper motives to any man, but that it appeared to him that thoſe perſons to whom he had alluded acted honeſtly and conſcientiouſly, on principles on which he as honeſtly and conſcientiouſly could not act; he thanked the noble Duke for having given him the opportunity of this explanation, and ſhould feel very happy if, in conſequence of any thing that had been ſaid, ſuch principles ſhould be completely diſavowed.

The Earl of DERBY, in voting for the amendment of the noble Earl, declared it to be his wiſh that it would admit of even yet ſtronger language, ſo that he could bring his mind to ſome fixed point or condition upon which his Majeſty's Miniſters might be induced to ſay they were ready to negociate for ſo deſirable an object. He expected that Miniſters, or their friends, would have defined the object of the war: As for his part, he could not conceive why it was continued. Was it to extirpate republicaniſm, and eſtabliſh royalty in France? If ſo, we muſt wait for the extirpation of every man in it; till then, we could not hope to accompliſh our object. He had been told of the flouriſhing ſtate of our revenues by one noble Peer, and he was informed, what had appeared to him rather ſtrange, that it had equalled any year of our peace eſtabliſhment, and this, as an inducement to continue the war.

[He was told here, that the average of four years was only meant, as ſtated by the Committee of 1791.]

Lord Derby remarked upon this, that though he gave the noble Lords full credit that they believed this to be the caſe, yet the aſſertion did not bring very complete conviction to his mind—at any rate, the exceedings of revenue were no argument for protracting the war. He was not in the habit of communication with his Majeſty's Miniſters, and therefore he could not aſcertain the amount of our loſſes in men on the Continent, but he could ſtate, that the ſufferings of our manufacturers and traders were very great by this deſtructive war. In that part of the country where he lived he

found that no less than 12,000 men were drawn from the looms into the militia; and allowing what a noble Lord (Auckland) had said, that the revenue was in a flourishing state, yet had all the persons employed in our armies abroad been employed in our trade and manufactures, the revenue would certainly have increased, the national debt consequently diminished, and the trade of this country flow with a larger abundance into the marts of the commercial world. His Lordship took a sarcastic view of the statement given by authority of the transactions at Toulon; he noticed a palpable suppression of certain circumstances detected by a reference to passages, which were communicated on a previous occasion by the writer. He did not see what advantages we were to derive from this war; it was very plain that we were fighting for the aggrandizement of the House of Austria, nor was it even ascertained that they would prosecute the war much longer. He inquired what had been the conduct of our allies, and their means of carrying on a war? He demanded to know if Austria was not crippled in her resources, and whether the Emperor had not notoriously been disappointed in his application for the voluntary aids of his subjects? If he looked towards the King of Prussia, did his declared poverty promise a wider extent of warlike preparations, and a much larger duration of his assistance? He had declared that he would not enter the field again unless paid by this nation. Would this nation consent to that, as it had already consented to pay the King of Sardinia for protecting his own kingdom, and even gone farther, for it was now engaged to protect his sea-ports. Russia had, indeed, joined in the opinion that it was a common cause, in which all kingdoms and every people were alike interested; but her good wishes were the sole aids furnished by that enlightened and liberal potentate. When he thought of the powers we were made to subsidize, to defend their own dominions, he was at some loss to conceive how far this complaisance might carry us—Would our resources, impoverished as they must naturally be, suffice to keep up the bankrupt armies of all Europe?—His Lordship too remarked, that we could have small reliance even upon the gratitude of our subsidized allies; certain powers of this description had thought proper, not merely to evacuate a fort, but to quit a town without leave, and consulting only their personal safeties, disregarded the grand obligation of that common cause, for their co-operation in which they were so liberally paid. His Lordship was very strenuous for a peace; and in respect to the persons with whom we were to treat, which has all along been the obstacle offered by the friends of this war, it was very natural to conclude that we must treat with persons who are

entrusted with the Executive power of France, with the persons with whom we are at war. All nations had hitherto deemed it safe to treat with the ruling power of a country, by whatever means it had attained that power; his Lordship abhorred the atrocities they had committed, but was of opinion that the love of peace should predominate over every other consideration, and it was the duty of Ministers to effect it, which if they neglected, they would be answerable for the consequences.

The Earl of KINNOUL (Lord Hay) voted for the Address, and said he would give Administration his most firm and zealous support to prosecute the war.

The Earl of MANSFIELD declared, that he should not have presumed to trouble their Lordships at so late an hour, if he could have contented himself with a silent vote upon that important day.

I shall not, added he, tire your Lordships with the idle repetition of sentiments which I have more than once declared; I will only say, that if among many signal advantages, there have been some unfavourable events, if unforseen obstacles have obstructed the progress of the arms of our allies, these circumstances operate upon my mind only as additional incentives to engage me to give to the Government of my country, my feeble, but most cordial and zealous, support, in the prosecution of this just and necessary war. I give it, my Lords, in the reasonable expectation, in the full confidence, that Ministers will steadily pursue the line of conduct so clearly and so strongly marked in His Majesty's speech from the Throne, which, as we all know, is, in the language of Parliament, their speech. I give it, in the confidence that they see the extent, and feel the weight of the duty incumbent upon them, that they will act up to the occasion, (a greater this country never saw) that with steady perseverance, with manly fortitude, with wise, spirited, and well-directed exertions, they will prosecute the war, till the great objects of it shall be attained. It gave me much satisfaction to find those objects so clearly pointed out in the speech from the Throne, as I have often been apprehensive that they are not sufficiently understood by the country at large; nor is it always remembered how essentially this war differs from every other in which this nation has been engaged. This point has already been spoken to, shortly, but very forcibly, by my noble friend, (the Duke of Portland.) As to the origin of the war, it began by the unprovoked aggression of France, as your Lordships all know. It is continued, not from motives of resentment, not merely to obtain satisfaction and indemnity for ourselves and our allies for the injuries received. That is, no doubt,

one feature in this business, but not the principal feature, as I conceive.

This is not, my Lords, a war of ambition or conquest; or, if it be a war of ambition, it is the noblest ambition that ever actuated the mind of man. Its great object is to restore the blessings of order and Government to France, and, by that restoration, to secure to ourselves, and the rest of Europe, those blessings which order and Government can alone bestow. Our great aim is to resist and defeat the wild attempts of those who have declared it to be their deliberate purpose to *disorganize* Europe, as they call it; that is, to subvert this and every other regular Government; to trample upon all property; to break all the ties of civil society; to deprive men of every present comfort, of every future hope, and reduce them to the same wretched level with themselves. We wage war with those who are not our enemies alone, but who have declared themselves *Hostes Humani Generis*, by their avowed conspiracy against the general interests of mankind.

I recollect at the moment, that in a vapouring letter, addressed by a *Mr. Fauche* to the Committee of Safety, he says, *Let the Republic act as one great volcano pouring forth its destructive lava upon this infamous island.* Strong as the expression may seem, it is inadequate; it gives an imperfect idea of the mischief they intend, and would certainly bring upon us, if God, in his vengeance, should give them the power.

Torrents of lava, as we all know, work but partial destruction; but if they could effect their purpose by the dissemination of their principles, the contagion of their example, and the introduction of anarchy like theirs, the certain consequences must be (dreadful as it is to think of, and painful to utter) immediate universal ruin.

Having detained your Lordships perhaps too long upon the original motion, I will now, if the House is not tired, apply myself to the amendment proposed by a noble Earl, (Earl of Guildford.) It is painful to me to differ from that noble Lord, for whom I have the highest personal respect, and to whose friendship I consider myself as having a sort of hereditary claim. But no personal regards can be permitted to warp our opinions in moments like these.

His Lordship then added, that if he had been at all successful in stating the true objects of the war, it was clear that the amendment proposed militated against them all. By endeavouring, said he, to catch at momentary delusive repose, you would double all the evils you wish to repel; you would, in a word, surrender the fortress, by receiving the enemy within its walls. But, with the indulgence of the House, I will go a little deeper into the subject. I contend,

that a lasting peace with France, in its present situation, is impossible in the nature of things. It is, my Lords, to my mind, as clear a proposition as any in Euclid, that you cannot treat, you cannot make alliance with anarchy. The noble Earl has said, very truly, that you may treat with an usurper, and has given some instances where we have done so. History furnishes us many more; most of the great nations of Europe treated with Cromwell, but Cromwell had *permanent power*. There, my Lords, is the true distinction. The conditions of peace are, in their very nature, lasting engagements. You cannot, then, in sense and reason, enter into such engagements with those, who, from the instability of their situation, have no prospect of being able to perform that for which they engage. I again repeat, *non meus hic sermo* *. You may, and, under the present circumstances, I think you must, wage war with anarchy; peace and alliance with her you cannot make. How frequently the scene has shifted in France, your Lordships need not be told. Consider for a moment who they were with whom you must have treated, had you attempted a negociation some months ago. What is become of those leaders now? Not only their power is gone, they have vanished from the scene; they have fallen by the keen edge of that tyranny which themselves contributed to raise; guiltless, perhaps, of the crimes for which they suffered, they perished by the most equitable of all laws. *Necis artifices arte perire sua.* Would Roberspierre and his adherents have thought themselves bound by any engagements the Girondists had formed! Is there more stability in the condition of Roberspierre and his crew? Why should that be supposed? Is it because there has been more rapine, more plunder, more cruelty, more violation of every right, more flagrant outrage of every kind? Would they, whoever they shall be, who overturn this tyranny, to substitute a tyranny of their own, respect the conditions of a peace made by the tyrants they had deposed?

Having dwelt upon this topic for some time, his Lordship went on to say, that one of the most moderate orators of the Assembly had used this expression: *Let Britain awake, and we will assist her to get rid of Kings.* I hope, my Lords, this and every subsequent day will shew that Britain is awake; that she feels the warmest gratitude for the numberless blessings we enjoy under the illustrious family called to the Government of these kingdoms, and which, I trust, shall govern them as long as time endures. We have learned, from long and happy experience, that, for a great country like this, limited Monarchy constitutes the best and wisest Government that

* Vide Brissot's pamphlet.

can be framed. We know, and did know even before the fad example of France, that a wild and lawlefs democracy is the fharpeft tyranny that can be endured by man. But, my Lords, with all reverence to Monarchy be it fpoken, and no man can revere it more, he has a very narrow and imperfect idea of this great conteft, who conceives it to be merely the caufe of Kings. No, my Lords, it is a much greater caufe; it is the caufe of order, of Society, of Government, of religion, and law, againft that wild phrenzy that labours to fubvert and deftroy them all. Having formed a powerful confederacy to oppofe a barrier to fuch madnefs, fhall England defert the caufe? Shall England abandon an alliance framed for fo great a purpofe, for the attainment of fo noble an end? Forbid it every principle of reafon and policy; forbid it every fentiment of honour, every feeling of humanity!

I cannot fit down, my Lords, without expreffing the great fatisfaction with which I have heard the fentiments delivered this day by feveral of my noble friends. Their conduct upon this great occafion, would raife their characters in the public eftimation, if, in the public eftimation their characters could be raifed. With regard to myfelf, I will once more repeat, that my very feeble, but zealous, fupport, fhall be given to Government in the profecution of the war. It is given on the fulleft conviction the heart of man can feel. I have confidered this great fubject in every light to which my limited view can extend; I have weighed it again and again in the filence of retirement, in the abfence of every paffion, and without any partial biafs I can difcover. I have frequently difcuffed it with thofe with whom I fo much love to agree, and have found my fentiments confirmed by their better judgment. The refult, then, of my decided opinion, which I wifh to deliver in the moft ferious and folemn manner, is fhortly this: On the iffue, on the final iffue, of this great conteft, depends, not the profperity of this country alone, which is our primary concern, but the general welfare of Europe, the well-being of Society, the happinefs, not of the prefent generation alone, but of millions and millions yet unborn.

The Earl of HARDWICKE began, by obferving, that he had feldom thought himfelf entitled to trefpafs on their Lordfhips' time and patience, or to add any thing to the length of their debates; and that he fhould not have troubled the Houfe at fo late an hour, if he had not felt that there was at the prefent time a call almoft irrefiftible upon every man, who ever confidered the ground of votes given in Parliament, or who had at any time had an opportunity of ftating his opinion in public, to ftand forth, and declare his fentiments, at a moment the moft alarming to the fafety of this

country of any that had occurred ſince the commencement of the preſent century. At that period, the nation was engaged in a conteſt for every thing that was dear and intereſting to it; for the ſecurity of the proteſtant religion, for its rights and liberties, and not only for its own rights and liberties, but for that which ſurely will not now be conſidered as leſs intereſting to our commercial and political proſperity than it was in former times, the rights, liberties, and independency of the nations of Europe. It was contending for theſe great and important objects, againſt the overgrown power and exorbitant ambition of the French Monarchy; it was contending for them at the inſtance of one of the wiſeſt, one of the ableſt, of the moſt patriotic, and the moſt ill-treated Kings, that ever ſat upon the throne of this or of any country. The events of thoſe times muſt be ſo familiar to the recollection of every one, eſpecially from the ſtrong and remarkable analogy which many of them bear to the events of the preſent day, that it was in ſome degree neceſſary to apologiſe for alluding to them; but he truſted their Lordſhips would allow him to point their attention more particularly to one or two paragraphs of the laſt ſpeech which was delivered by King William to the Engliſh Parliament: a ſpeech ſo much admired by every friend to the revolution, that it was printed in the Engliſh, Dutch, and French languages, and was preſerved for many years as an ornament and a decoration in many houſes in England and Holland, and conſidered as the King's laſt legacy, not only to his own ſubjects, but to all Proteſtant people. The ſpeech begins, by ſtating, that "the King promiſes himſelf that Parliament is met together full of the juſt ſenſe of the common danger of Europe, and that reſentment againſt the late proceedings of the French King, which had been ſo fully and univerſally expreſſed in the loyal and ſeaſonable addreſſes of his people." It then proceeds to deſcribe the indignity offered to himſelf, and the whole nation, by ſetting up the pretended Prince of Wales, which ſo nearly concerned every man who had a regard for the Proteſtant religion, or the preſent and future quiet and happineſs of the country.

The next paragraph of the ſpeech, is ſo peculiarly deſcriptive of the ſituation in which this country will be placed, with reſpect to the reſt of Europe, if the power of France cannot be reſtrained within due limits; and expreſſes, in ſuch ſtrong and intelligible language, the extent to which the iſland is intereſted in the affairs of the continent, that Lord Hardwicke deſired the liberty of reading the whole of it to the Houſe: "By the French King's placing his grandſon on the throne of Spain, he is in a condition to oppoſe the reſt of Europe, unleſs ſpeedy and effectual meaſures be taken.—

Under this pretence, he is become the real master of the whole Spanish monarchy; he has made it to be entirely dependent on France, and disposes of it as of his own dominions; and by that means he has surrounded his neighbours in such a manner, that though the name of peace may be said to continue, yet they are put to the expence and inconveniences of war. This must affect England in the nearest and most sensible manner, in respect to our trade, which will soon become precarious in all the valuable branches of it; in respect to our peace and safety at home, which we cannot hope should long continue; and in respect to that part which England ought to take in the preservation of the liberty of Europe, King William then proceeds to say: "It is fit I should tell you the eyes of Europe are upon this Parliament; all matters are at a stand, till your resolutions are known; and therefore no time ought to be lost." Then follow these remarkable words, to which Lord Hardwicke particularly desired to point the attention of the House: "you have yet an opportunity, by God's blessing, to secure to you and your posterity the quiet enjoyment of your religion and liberties, if you are not wanting to yourselves, but will exert the ancient vigour of the English nation: But I tell you plainly, my opinion is, if you do not lay hold on this occasion, you have no reason to hope for another." Lord Hardwicke then proceeded to urge, that unfortunately this was precisely the situation in which Englishmen stood at present. If, said his Lordship, we do not lay hold on this occasion, we have no reason to hope for another. If we are not able, engaged in the same cause with the greater part of Europe, and contending for every thing that is dear and interesting to mankind, to check and restrain the overgrown and unnatural power, the restless ambition, and the vindictive spirit of the French Republic, vindictive most unjustly against this country; if we are not able to effect this important and essential object, when can we hope for another opportunity? And dangerous, indeed, would be the attempt to make peace, unless the power of France to injure her neighbours were considerably diminished, and our power to confirm the security and tranquillity of Europe considerably strengthened and confirmed. But it is rather singular, that the impracticability of making peace with the French Republic, and in its present convulsed and uncertain state, should not only be admitted, but stated in the strongest manner, by a person fully competent to judge of it; and that, in this country, the supposition of a treaty being practicable or prudent, should be urged by so respectable an authority as the noble Earl who moved the amendment. Lord Hardwicke alluded to Mr. Brissot, who published in Paris, in May last, a letter to his Con-

ftituents, which the prevailing party in that free and envied country ſuppreſſed, impriſoned its author, and ſince executed him, without hearing his defence, in company with one-and-twenty of his col-leagues. In this remarkable letter very recently known in this country, Mr. Briſſot obſerves, that the nations of Europe cannot treat with anarchy; and whatever may be thought of his own motives for it, recommends, in the ſtrongeſt terms, the re-eſtabliſhment of order, for the purpoſe of reſtoring a Government, in which foreign powers may confide, and with which they may treat with ſecurity for the re-eſtabliſhment of the peace of Europe.

It is for the eſtabliſhment of ſuch a Government that we are now contending, and not for any particular form of Government, or for the diſmemberment of the country; and if the united efforts of ſo large a part of Europe are unable to accompliſh the deſtruction of a ſyſtem ſo hoſtile to every principle of order, liberty, and public happineſs, there is an end of all regular Government, and of every thing that is eſſential to the exiſtence of civil ſociety.

Lord ABINGDON ſaid, that being come to town to attend his duty in Parliament, as one of the hereditary guardians of the conſtitution of this country, and finding that the addreſs to His Majeſty was founded on meaſures, which alone, in his mind, could effect our political ſalvation and exiſtence, (I mean, ſaid his Lordſhip, by proſecuting with unremitting vigour and redoubled ardour the *juſt* and *holy* war in which we are engaged, juſt and holy moſt truly ſo on our part,) he roſe to give the Addreſs his moſt hearty and cordial ſupport.

Earl STANHOPE roſe; he had heard, he ſaid, ſeveral noble Lords pledge themſelves to give their ſupport to Miniſters for the proſecution of the war: he would pledge himſelf to give it his firm and determined oppoſition, as meddling with the internal government of France, with which we have no right to interfere, and as being unjuſt, ruinous, and unneceſſary. He ſhould therefore give the amendment his firm ſupport; but as he thought the words in which it was put, might not be fully and clearly underſtood, he ſhould make a motion to the ſame effect, but in more poſitive language; and gave notice, that on Thurſday next he ſhould move "An Addreſs to His Majeſty, to acknowledge the French Republic."

Lord GRENVILLE roſe. Anxious to hear all that could be ſaid in oppoſition to the Addreſs, he had ſo long remained ſilent; the mover of the amendment had complained that the war was undefined; his propoſitions for peace were equally undefined. The eyes of Europe are on us. It becomes us to act with vigour and

with firmness; and the almost unanimous sentiment that had been evinced by their Lordships to support our own honour and our allies, by a vigorous prosecution of the war, did credit to the national character, and would lift us still higher in the estimation of Europe; it would be marked as a bright day in the page of history. Would it, indeed, in order to obtain an insecure and dishonourable peace, become us to violate all treaties, to break the most solemn engagements, and, forfeiting a character of honour and integrity, adopt a conduct at once unprofitable and disgraceful? He thanked God the Councils of the Nation were actuated by principles the reverse; the high honour, integrity, and wisdom of their Lordships, were proverbial; and there never was a period which more called for their deliberate exertion. He was anxious, he said, to meet the motion of which his noble relation (Earl Stanhope) had given notice, and thanked him for having fixed on so early a day. He would not now trouble the House; he should have an opportunity of fully going into the merits of the war, when his noble relation's motion came before the House.

The Marquis of LANSDOWN said, he considered the present, as the opening of one of the most momentous sessions that had occurred in modern times; that, exhausted as the House was, it was not necessary for him, at that late hour, to take up much of their Lordships' time in arguments to justify his giving his vote for the amendment, and against the address as originally moved. He meant not to avoid the appearance of opposing the war; their Lordships well knew he had declared his opinion on that point distinctly, and assigned his reasons for it most explicitly and unreservedly to that House and to the people last session, when the latter were in the fulness of their delusion. He thought he saw pretty evident marks of a change in the public sentiment, respecting the war. Sure he was, that when men came to reflect coolly, and to give their reason fair play, they would be convinced that the war was unnecessary in its commencement, and highly impolitic in its continuance. As for the speech delivered from the Throne, considering it the speech of the Ministry, he would declare he should oppose the greater part of it; little, very little of it, was there to which he could give the smallest approbation The speech had discovered a secret, viz. that it was a war for nothing: nothing always cost most: It was generally a purchase paid for ten times over. Hurried into this melancholy war, Heaven knows where it will terminate; for Ministers seemed determined to persevere till some firm Government was established, or monarchy restored. Noble Lords, in the course of the debate, asserted, that this war was unprecedented; that it was totally dif-

ferent from any other in the hiſtory of this country. He could find but one which it ſtrongly reſembled, and which was nearly the deſtruction of England, the war with America. Though this war was carried on perhaps injudiciouſly, he was certain that was much worſe. He would decline at preſent going into the hiſtory of the campaign; he would for that ſubject chuſe a time when their Lordſhips were not exhauſted by long ſitting, and wearied by diſcuſſion. The Miniſters ſay they are ignorant how they ſhould proceed; with whom they ſhould treat. They tell you, my Lords, there is no power in France to treat with, if they were diſpoſed to treat at all. Before they make ſuch aſſertions, let the King's Miniſters aſk General Wurmſer, if there is no exiſting Government in France? Let them aſk the Duke of Brunſwick and the King of Pruſſia! Let them aſk my Lord Hood, and Sir Gilbert Elliot! Let them aſk the Royaliſt army of La Vendee! Let them aſk the unfortunate Lyoneſe! Let them aſk the Spaniards, retreating before their arms! All theſe he was afraid muſt confeſs there was a Government; and he greatly feared that it would not be long before the Prince of Saxe Cobourg, and the Duke of York, muſt allow that there was a Government in France. It did not require much of the ſpirit of divination to pronounce a year ago, what would be the fatal, the unavoidable, conſequences of involving the country in a war againſt opinions; the avowed object of which was to repel unprovoked aggreſſions, but the real one was to preſcribe laws to an independent country. Whether the ſpeech from the Throne would remove or confirm the delirium that had been produced in the public mind, he could not take upon him to ſay; but it certainly contained information that muſt be acceptable to all that preferred war to peace, and had an intereſt in ſupporting the romantic ſchemes of Adminiſtration. The amendment of the noble Earl did not exactly correſpond with his ideas, although he gave it a preference to the addreſs. The horrid outrages that had been perpetrated in France, particularly in the iſland of Noirmoutier, were owing to the delutive hopes the Royaliſts entertained of aſſiſtance from this country: they diſcovered their error when too late. The tragical event that took place, he choſe rather to allude to than to mention. Theſe outrages, he was ſorry to ſay, ſeemed to be terminated only by the extermination of one of the contending parties. The Marquis complained of the ſort of contempt and perſonal odium endeavoured to be thrown on the leading characters in the Convention, and ſaid it was ſimilar to the idle conduct that had been held with reſpect to the congreſs in America, during the miſchievous war with that country. He ſaid, it was weak and fooliſh to talk of Engliſh morality and Engliſh regard for

religion, in contradiſtinction to the conduct and manners of the French Republicans. The faſt-day was approaching, and though he was not fond of party diſcourſes from the pulpit, he ſhould be glad to hear a good ſermon on a text, which he had always conſidered as one of the beſt parts of the ſcripture, viz. the parable of the Phariſee and the Publican.

The Marquis of TOWNSHEND, in a ſhort ſpeech, ſupported the Addreſs, chiefly on the ground of the impoſſibility of negociating with the ruling faction in Paris.

The Earl of LAUDERDALE expreſſed his concern that the noble Secretary of State ſhould have merely indulged the Houſe in a pompous harangue, couched in the language of ſucceſs and confidence, and that he was prevented from replying to any argument, which it ſeems the noble Lord did not chuſe to advance, at leaſt at that period of debate—but nevertheleſs there were certain points of conſideration which he ſhould feel it his duty to touch upon, although at ſo late an hour: he would not venture to treſpaſs long upon the patience of their Lordſhips. He ſaid, he felt ſomething uneaſy at riſing to ſpeak to the queſtion, but it did not ariſe from want of argument, or ſufficient grounds to ſupport the amendment of the noble Earl. It aroſe from a melancholy reflection on the lamentable ſituation of affairs; it aroſe from a painful recollection of the raſh conduct of the Miniſtry, in not offering an alliance and treaty with France; it aroſe from the recollection how the Miniſters of this country treated the negociations of the Republic, and the ſhameful and indignant manner with which they diſmiſſed the Miniſter, ſent by the Republic, to enter into alliance with this country; he felt extremely hurt at being obliged to deſert the noble Duke (Portland,) with whom he commenced his political career; and he lamented the loſs the country received, from the noble Duke's attaching himſelf to Miniſtry: that he would allow the noble Duke acted from principle and conſcience: he hoped that the noble Duke would do him the candour to ſay, that he believed his conduct was actuated by a ſimilar motive. He ſaid, that the noble Secretary of State had argued little on this important occaſion; that he made, it is true, a moſt excellent eulogium on the conduct of His Majeſty's Miniſters, and meaſures, but had quickly paſſed over every thing relating to the war, every objection he could make to the amendment. He called on the noble Lords to conſider the ſituation of the country, and to recollect how materially different the meaſures of Miniſters had been in the laſt campaign to what they declared to be their object in the next campaign. The war was engaged in to protect the country of the allies from invaſion, that they declared

to be the object; but have they kept that in view? Does the declaration of Lord Hood and Sir Gilbert Elliot at Toulon ſhew that to be the object? Does the capture of the fortified towns in the Netherlands manifeſt that to be the only motive? No, it is evident they wiſh to eſtabliſh the old Government, and that the revival of Monarchy in France is now what appears to have induced Miniſtry to perſevere in hoſtilities. But he did not heſitate a moment to aſſert, that if this was the particular object they had in view, the campaign was conducted with inability by Miniſtry, and that they let ſlip the only opportunity of effectuating their wiſh, namely, the time when the Duke of York, and Saxe Cobourgh, were advancing to the internal part of France. Had they perſevered then, had they marched forward to the capital, the Convention might tremble for their ſafety, the Republic might ſhudder for their exiſtence; but the critical moment was deferred. Their minds were turned to different objects; they omitted the only period for ſucceſs, and they gave the victorious arms of the Republic an opportunity of deſtroying the only remaining friends of Royalty in Britanny and La Vendee. He dwelt much on the ſtate of the Royaliſts in that country, who now ſuffer the horrors of deſtructive war, and ſhudder at the confidence they placed in the ſupport of England, nearly as much as they did at the introduction of the guillotine into that devoted province. He was ſorry that, at this time, the noble Duke ſhould withdraw from the people that ſupport which he ever gave to their intereſt; ſurely it was impoſſible that he could ſuppoſe the melodious voice of the Seconder of the addreſs (Lord Auckland) could induce him to depart from that line of conduct which always ſo eminently diſtinguiſhed him. If he wiſhed to ſave the country from the precipice of ruin, he ought to oppoſe the Government, and give his ſupport to the amendment. The noble Duke aſſerted that this war was different from any we were ever engaged in, that its object was the ſupport of religion and happineſs, and that it was on our part ſolely defenſive. As for his part he never dreaded the introduction of French principles in this country; but as to the latter aſſertion, could the noble Duke be ſerious when he ſaid, that the capture of the fortified towns in the Netherlands ſhews it to be defenſive? Does the attempt of ſending troops into the Weſt demonſtrate that this is our object? Do the capture of Toulon, and the conſequent declaration, ſhew this to be the motive? No! the eſtabliſhment of Monarchy in France, is the object which Miniſtry wiſhed to effectuate; but each day ſhould convince them of their error, of the little expectation they can indulge in accompliſhing ſuch an event. What, he aſked, was the ſituation now of the Republic, compared

with what it was when we embarked in this ruinous war? The resources of Austria, of Pruſſia, and of England were then greater, the enemies of France were more numerous; but now their internal enemies are deſtroyed, we can hope for nothing from the quarter of the Royaliſts; the diſaffected Lyons is razed to the ground, the inhabitants expoſed to miſery, and Toulon recovered to the Republic. In a word, no internal enemies now remain to diſtract and weaken their exertions. The only argument made uſe of by the Miniſtry of the country, was the difficulty and the danger of treating with the Government in France. This was the argument made uſe of when the raſhneſs of former Miniſters had brought England to the verge of ruin, during the American war. What, ſaid the Miniſter, is the Britiſh nation to brook to treat with a Hancock? What, ſay Miniſtry now, ſhall the nation treat with a Roberſpierre? They were formerly obliged to treat with thoſe whom they then deſpiſed; and they muſt, ere long, enter into alliance with ſome of thoſe, againſt whom they now ſo loudly inveighed; but, my Lords, though it is irrevelant now, the conſequences of this war cannot be paſſed by; conſequences ſo lamentable, that you cannot but ſhudder when you hear that the alarm of fear, which was ſpread by the Miniſtry, became the object of criminal perſecution in this country. If it was aſked, then, with whom we were to treat? He replied, aſſuredly with the ruling power—but from ſome late tranſactions, at which he truſted his grief was as poignant as any noble Lord's, it might be affirmed there was none—but we ſhould aſk for better information of the Duke of Brunſwick, for inſtance, whether he knew of no Government in France—Whether General Wurmſer might not have ſome notion of a Government there—nay, the prudent Lord Hood might be able to diſcover one, which had compelled him to fly from the ſhores of the Mediterranean; and his Lordſhip very much feared the Princes Cobourg and York might ſhortly have information upon this ſubject to give, and he beſought Miniſters to weigh the calamities of an overthrow to this remaining hope of the allies. There were ſome conſequences of the war not, indeed, immediately connected with the queſtion, but of a nature ſo lamentable, that he could not paſs them by on the preſent occaſion. The alarm ſpread by Miniſters had been made the ground of a ſyſtem of perſecution. The Revolutionary Tribunal in France is looked on with horror and diſguſt; but what have been the conduct of the Courts of Juſtice in this, and the neighbouring countries? Have you not heard of the moſt extraordinary ſentences? Were ſuch cruelties ever remembered in the hiſtory of our country? Are theſe what can induce the people

to admire the Conſtitution? Are theſe what can animate them to its ſupport? What man could venerate or reſpect that Conſtitution which muſt be protected, by the friend becoming a ſpy on the actions of his neighbour, and the hours of domeſtic conviviality being ſubjected to a ſtate inquiſition. But, my Lords, this buſineſs is not confined to this kingdom; in that country to which I belong, the Courts of Juſtice have exceeded every thing that imagination can picture; but the illegality of their proceedings will be an object of future ſcrutiny. I will not anticipate the painful hiſtory which will be laid before you; but this is one of the conſequences of this ruinous war. The writings of Mr. Payne, which for two years were let paſs with impunity, were now attacked by the provident Miniſtry, and the moſt horrible perſecutions were entered into to ſupport their impolitic ambition; but what is it, my Lords, that brought about in France that revolution we ſo often lament; it was the enormous ſeverity of puniſhments; it was the dreadful oppreſſion of the poor: does the Miniſter of this country take then the true way to prevent the introduction of French principles? he embarks in the war which weighs down the people with taxation; and he introduces a ſyſtem of ſeverity which muſt make them deteſt, not admire, the noble Conſtitution of Great Britain. I agree with a noble Earl, "that the eyes of Europe are fixed on us at this moment;" we ſhould ſhew by the deciſion of this night, by the ſupport we give the amendment, that in Engliſhmen there continues that true greatneſs of mind, which would wiſh to put a ſtop to the inhuman deluge of blood, which diſgraces the powers of Europe engaged in this unjuſt, unnatural, and impolitic war.

Lord CARLISLE deſired to be heard, in order to notice what had been ſaid by the laſt noble Lord. He was not afraid, he ſaid, that it would make much impreſſion on the Houſe; but it might have ſome effect on the Public without doors, if not ſet to rights: it was on that account that it deſerved an anſwer. His Majeſty's Miniſters had been charged with having neglected their duty, in having refuſed to negotiate with M. Chauvelin for ſecuring the continuance of peace with France; but M. Chauvelin had no powers to treat for, or ſecure peace. M. Chauvelin had come to this country merely to diſſeminate ſedition, not to negociate peace: but all his attempts were vain; he found the people loyal, ſatisfied, and happy; and returned to France with the unwelcome Report, that it was impoſſible to prevail on Britiſh ſubjects to leſſen their affection for their Sovereign, and love for their Conſtitution. The amendment to the addreſs, his Lordſhip ſaid, conveyed an unwarrantable reflection on His Majeſty's Miniſters. Its object was to recommend

a speedy peace with France, as if they did not desire it; and were they not anxious to conclude it the moment there was an opening for a permanent and secure peace? But could such a peace be negociated with men who set religion and every moral obligation at open defiance? who gloried in atheism?

Lord GRENVILLE acknowledged it was not surprising the noble Earl who spoke last could not reply to arguments which he had not adduced; but he would, thus called upon, enter pretty fully into the question, in answer to certain topics which had been frequently urged in the course of that night; and he for one would pledge himself to shew that in no case had the laws been wrested for any vindictive purpose; they had been exerted, but not stretched; and the occasions had been such as sufficiently provoked the vengeance of an insulted Constitution. There would be a future opportunity, no doubt, for going thoroughly into the business. But the principal point for his discussion was the question that had been so frequently repeated, "Whom are we to treat with?" He would give their Lordships a satisfaction more complete than any surmises or arguments of his; he would give them the opinion of M. Brissot, a man confessedly at the head of a party, whose policy brought the unhappy Monarch of France to the scaffold, and whose crime is by Roberspierre stated to be the plunging of France into a war with this country. The Executive power, then, according to M. Brissot, is "any sanguinary monster, who, in the revolutionary insurrection of a mob, is the most ferocious and the most unprincipled." If we could have acceded to terms proposed by M. Brissot, can we suppose that M. Roberspierre would not have found it easy to convert into criminal accusation the making peace with a tyrant, in direct opposition to the will of the Convention? But I will tell you, said the noble Secretary, what was the opinion of M. Brissot as to our aversion to treaty; hear his own words: "The absurd and impolitic decree of the 19th November, which very justly excited uneasiness in foreign Cabinets." Here you have a justification, by the author of the war, of the feelings and the conduct of the allied powers. He adds, throwing the infamy of that act upon the *Anarchists*, the death of the King was an impolitic measure, which, with the massacres of the 2d of September, alienated from them all the neutral powers. I will tell you also, continued his Lordship, that, if you were even inclined to descend to negociate with the present men in power; M. Roberspierre would tell you that you could not do so, unless certain previous stipulations were complied with: by a decree of the Convention, France cannot make peace with any power who holds one foot of her territory; previously therefore to negociation,

the allies muſt give up the fortreſſes they have taken, and, once affiliated, Brabant, Savoy, and Nice muſt be put in poſſeſſion of the Republicans: in the Weſt Indies you muſt abandon Nicola Mole, and in the Eaſt you muſt evacuate Pondicherry, and every other conqueſt which tells you that their power there is annihilated for ever. His Lordſhip then touched upon the permanent nature of the revolutionary power, and again quoting the opinions of M. Briſſot, ſhewed that it ſtruck at every thing like authority and order, and that the ſinews of its power were confiſcation and rapine. But, ſaid his Lordſhip, the noble Earl ſeems to be completely unacquainted with the preſent ſtate of France. If he thinks that the people are unanimous in any thing, I will tell him, that from the commencement of the revolution, a period of more violent diſſention never exiſted; nor were the minds of men ever more averſe to what pretends to be the Executive power of the country. Notwithſtanding the dreadful denunciations of the Merchants and every deſcription of perſons one degree better than the Sans Culottes at Bourdeaux, at Marſeilles, and at Lyons, ſo little dependance can they place on the affections of the people, that at Lyons for inſtance, not one wretch could be found ſufficiently depraved for their confidence, and Paris was obliged to ſupply the municipal officers of the South. In the Capital two Committees are ſtruggling for the aſcendancy; and they are deceived, who imagine that the faction, which has diſcomfited Briſſot, may not ſpeedily fall before a more bloody rival. That the preſent ſucceſsful men perceive the ſame neceſſity for order as their predeceſſors, and labour to obtain it, is ſo ludicrouſly proved, that to the aſtoniſhment and laughter of all mankind we find the merciful Roberſpierre become the advocate of the Chriſtian religion. Men formerly thought themſelves mighty in the cauſe of freedom when they deſtroyed the Baſtile; at the time of its demolition only two State priſoners were then incarcerated for opinion. Look at the priſons of France, and at the preſent moment more than two hundred thouſand perſons are the victims of ſuſpicion and the revolutionary power. In Paris the jails, the abbeys, every den which they can convert to the ſafeguard of the only men of worth in France, is full of thoſe unhappy objects of a diabolical vengeance, and about 5000 perſons now languiſh in the dungeons of Paris. Nay a late and memorable event may ſhew in a moſt glaring light the total indifference to even the miſerable forms of juſtice remaining. A great number of the unfortunate wives, &c. of thoſe unhappy priſoners came in a body to the bar of the Convention to beſeech that their relatives might have the common juſtice of trial afforded them, that if guilty they might be puniſhed, but if innocent, reſtored to

their homes; then they were admonifhed after fome fulfome allufion to the mothers of the Gracchi, to employ their time better than to think about the deftiny of fufpected perfons. But however fomething was to be done, and a motion was made to commit their cafes to the inveftigation of the *Committee du Salut Public*: this was negatived, for it was impoffible for patriot citizens to fpare fufficient time for fo humiliating a tafk; it was therefore decreed that two Members taken from their Society fhould, juft when they had nothing better to do, inquire whether any of them were worth faving, and report accordingly; thus, in defiance of every principle of law and juftice, thefe perfecuted beings are delivered up to the favage judgment of the very men by whofe arbitrary authority they are compelled to people their prifons.

But the Convention had declared it death to propofe to treat with any power, till that power had firft acknowledged the fovereignty of the nation, and the juftice and propriety of the principles they had eftablifhed. They had the impudence to declare our moft juft and lawful Sovereign a tyrant! Could we admit to act with fuch perfons? He thought it impoffible. Befides, the Convention would require, as a preliminary to any treaty, that we fhould give up what we had taken from them in the Eaft and Weft Indies; and the Emperor muft allow them again to take poffeffion of the Netherlands, and we muft fuffer them to plant their tri-coloured flag on the Dutch forts; for it was a principle in their Conftitution, that they could never abandon thofe who had once been under the protection of the Republic; and Savoy and Nice muft in that cafe alfo remain annexed to France. His Lordfhip confidered the prefent ftate of France as more favourable to the allies than at any former period fince the beginning of the war: it was only terror that operated on the minds of the people: the Revolutionary Committees forced into the armies, or condemned to death, all fufpected perfons. Priefts, nobles, and all gentlemen, were objects of its vengeance; but this could not continue—the people would at laft awake from their delirium, and punifh the authors of the evils which they fuffered. We had no fecurity, his Lordfhip faid, for any peace that could be concluded with the prefent rulers of France: they were not more fecure of continuing in power than their predeceffors; and we muft fee fome perfons vefted with an authority, likely to make a peace that might be refpected and maintained, before any treaty could be formed with them. He concluded with expreffing the firmeft confidence in the ultimate fuccefs of the allies; and, feeling the noble tafk which the Houfe were then met to perform, he deduced from the decifion of that night, and the bleffing of Providence upon their

councils, the reſtoration of order and government to France, and the preſervation of the laws, the religion, and the liberties of Europe.

The Earl of LAUDERDALE roſe to explain. His Lordſhip declared, he was ſo far a friend to the doctrine of equality, that in that Houſe he would ever inſiſt on liberty of ſpeech. He had as much right to deliver his ſentiments at one time of debate as at another, and no noble Lord, whether a Miniſter or not, was entitled to dictate to him as to the mode in which he thought proper to diſcharge his parliamentary duty. With regard to what the noble Lord had ſaid, reſpecting the alluſion he had made to the conduct of a criminal court in Scotland, he was a little ſurpriſed, becauſe if he were better known for one part of his conduct in Parliament than another, he truſted it was, for not blinking any queſtion of importance, but meeting it in the moſt open and direct way. He might hardly have been ſuppoſed to mention the conduct of the criminal courts of juſtice in Scotland, if he had not meant to bring the ſubject forward in a regular ſhape, as ſoon as he was perfectly prepared to do ſo. Such was his intention, when it was convenient to himſelf. His Lordſhip added a few more words to prove, that the noble Secretary, in declaring that the Republicans of France had paſſed a decree ſubjecting thoſe perſons to the penalty of death, who made peace with any power that had a foot of the dominions of France, had been guilty of a miſtake, and confounded the idea of that decree, by ſubſtituting the words "make peace," for "treat for peace." His Lordſhip alſo repeated, that his noble friend's amendment only generally mentioned that his Majeſty might be addreſſed to propoſe terms of peace, without ſtating or limiting his Majeſty to propoſe any preciſe terms.

The LORD CHANCELLOR left the wooſack, not, he ſaid, with any intention, at that late hour, to go into a diſcuſſion of the ſubject at large. After the very able manner in which that had been treated by his noble friend near him (Lord Auckland), by the noble Secretary of State, and by many other noble Lords, any obſervations of his on the propriety and good ſenſe of his Majeſty's ſpeech, or of the addreſs moved in anſwer to it, would be wholly unneceſſary and ſuperfluous. He troubled their Lordſhips merely to take notice of a matter, which he doubted not their Lordſhips would go with him in conſidering of more weighty importance than even any farther diſcuſſion of the ſpeech from the throne, great and important as that conſideration undeniably was. He roſe for the purpoſe of vindicating the character of the Judges of the criminal court in Scotland, who had not been made the ſubject of a direct

accusation, which would admit of investigation, discussion, and defence; but in an indirect, incidental, and secondary way, had been attacked in the nicest and most delicate point, that any man bearing the serious, solemn, and important character of a judge, could possibly feel. The noble Secretary of State had taken immediate and proper notice of so unjust a charge, and the noble Earl (who had thought proper obliquely to allude to him, although the noble Earl well knew that he was ready at all times to meet any direct charge) had condescended to say, that he intended to bring the matter forward in a regular shape; but he had neither mentioned the time when he would do so, nor the facts on which he grounded his suggestion. The Lord Chancellor defended and justified the conduct of the Judges of the criminal courts in Scotland, and declared, that their sentence in the case alluded to, had been clearly and strictly consonant to law, and precisely apposite to the occasion. He had himself been in the situation of a Judge, and he could not but feel for men of that description, when unfairly and injuriously attacked. With several of them he had long lived in the habits of intimacy and friendship, and he knew them well to be men of great abilities, and of integrity equal to their abilities; incapable of being biassed by favours or frowns. And as the characters of the venerable Judges who composed the criminal court of justice in Scotland ought to place them above suspicion, he trusted that their Lordships would forgive him for having detained the House at so late an hour, by the summary discharge of an indispensable part of his duty, in standing up in the defence of learned and respectable men, attacked in their absence, when there was not a possibility of defending themselves.

The Earl of LAUDERDALE said, he was extremely unfortunate in being so often obliged to trouble their Lordships, but it seemed to be his fate that day to be misunderstood. His Lordship then assured the House, that he would give the noble and learned Lord an ample opportunity of defending himself; and surely the noble Lord had not to learn, that he was the last man living, who would skulk from or blink any subject, which he had once thought it right to mention in that House. With regard to what he had said of the criminal court in Scotland, he had not wantonly stated it. He had taken great pains already to make himself master of the case, and had possessed himself of as many documents as would take up a considerable time in reading to the House; and as soon as he was prepared, he should bring the subject forward in a shape capable of full discussion; but not being a professional man, at least not having practised, it could not be supposed that he could of a

fudden complete fuch an arrangement as their Lordfhips muft all fee was neceffary on fo ferious a fubject. He reminded the Houfe, that he was entitled to take it for granted, that he was not confidered as a man prone to make illiberal or wanton attacks on Judges, fince he defied any one of their Lordfhips to fhew that he had conducted himfelf with greater delicacy, than he (Lord Lauderdale) had done in the cafe of the libel bill, when the nature of the fubject rendered it fo natural to advert to fuch confiderations.

The LORD CHANCELLOR again left the woolfack, to remind their Lordfhips, that the conduct of the judges of Scotland, after what had paffed, did not ftand at all impeached. Their judgements, it would be found, were correct and unqueftionable. Their own admitted knowledge of law would prevent them from any imputation of having acted illegally, through ignorance; and their characters, their habits, their tempers, and the mode in which they were well known to have conducted themfelves on all occafions, exempted them from the fufpicion of having been led afide from their ufual prudence by any motives of the moment, or of having forgotten to temper juftice with mercy.

The Houfe at length divided on the queftion of amendment:

Contents 12; Non Contents 97;—Majority 85.

The main queftion of the addrefs was then agreed to.

On the motion of Lord STANHOPE, their Lordfhips were ordered to be fummoned for Thurfday next, at half paft twelve.

LIST of the PEERS who voted for the AMENDMENT to the ADDRESS.

Duke of Norfolk	Earl of Lauderdale	Earl Stanhope
Duke of Bedford	Earl of Cholmondely	Earl of Egmont
Marquis of Lanfdown	Earl of Guildford	Lord St. John
Earl of Derby	Earl of Albemarle	Lord Chedworth.

Wednefday, 22d January.

Their Lordfhips went up to St. James's, in order to prefent the addrefs to his Majefty, of which the following is a copy:

"Moft Gracious Sovereign,

WE, your Majefty's moft dutiful and loyal fubjects, the Lords Spiritual and Temporal, in Parliament affembled, beg leave to return your Majefty our humble thanks for your Majefty's moft gracious Speech from the Throne.

Permit us to affure your Majefty, that we fhall enter with the moft [illegible] attention into the confideration of the prefent circumftances of our

country, knowing that on the issue of the contest in which we are engaged depend the maintenance of our constitution, laws, and religion, and the security of all civil society.

We congratulate your Majesty on the advantages which have been obtained by the arms of the allied Powers, and on the favourable change which has taken place in the general situation of Europe, since the commencement of the war. We have seen with great satisfaction the United Provinces protected from invasion, the Austrian Netherlands recovered and maintained, and places of considerable importance acquired on the frontiers of France: we consider the re-capture of Mentz, and the subsequent successes of the allied armies on the Rhine, as having, notwithstanding the late advantages of the enemy in that quarter, proved highly beneficial to the common cause; and we are also justly sensible of the powerful efforts which have been made by your Majesty's allies in the south of Europe.

We reflect with particular satisfaction on the manner in which the operations of your Majesty's enemies have been impeded during so great a part of the campaign by the temporary possession of the town and port of Toulon; on the important and decisive blow which, in the evacuation of that place, has been given to their naval power, and on the distinguished conduct, abilities, and spirit, manifested on that occasion by your Majesty's commanders, officers, and forces, both by sea and land.

We beg leave to express the satisfaction which we also feel in seeing that, during the course of the present year, the French have been driven from their possessions and fishery at Newfoundland; that important and valuable acquisitions have been made both in the East and West Indies; and that while our naval superiority has been undisputed, our commerce has been so fully and effectually protected.

We can assure your Majesty, that we are strongly impressed both with the necessity of vigorous and persevering exertions, and with the expectations of ultimate success from the consideration of the means by which the farther progress of the allies has hitherto been impeded, and of the system from which our enemies have derived the means of temporary exertion; such a system, disposing arbitrarily of the lives and property of a numerous people, and violating every restraint of justice, humanity, and religion, has necessarily been productive of internal discontent and confusion, and has tended rapidly to exhaust the natural and real strength of that country.

While we join with your Majesty in regretting the necessary continuance of the war, we are confident that your Majesty's concern for the essential interests of your people will induce your Majesty to persevere in the pursuit of those objects, by which alone the solid blessings of peace can be secured; and to take such measures as may most effectually provide for

the permanent safety of your Majesty's people, and for the independence and security of Europe. It is impossible for us not to see that the attainment of these ends is still obstructed by the prevalence of a system in France, equally incompatible with the happiness of that country, and with the tranquillity of all other nations; and, under this impression, we fully concur in the just and benevolent sentiments manifested in the Declaration which your Majesty has graciously been pleased to communicate to us; and we have seen with the utmost satisfaction so large a part of Europe united in a cause of such general concern.

We acknowledge, with pride and gratitude, the gracious manner in which your Majesty is pleased to express your Majesty's sense of the unshaken loyalty and firm attachment to the established Constitution and Government, which, notwithstanding the continued efforts employed to mislead and to seduce, have been so generally prevalent among all ranks of your Majesty's subjects. The zeal and alacrity of the militia, and the distinguished bravery displayed on every occasion by your Majesty's forces both by sea and land, have afforded eminent proofs of the same spirit which pervades and animates every class of the nation; and encouraged, as your Majesty's forces have been, by the distinguished example of your Majesty's illustrious progeny, and by the sense of the blessings which it is the object of all our exertions to preserve, they have maintained the lustre of the British name, and have shewn themselves worthy of the cause in which they are employed.

We entreat your Majesty to be persuaded, that, in all our deliberations, we shall bear in mind the true grounds and origin of the war. We remember with just indignation the attack made on your Majesty and your Majesty's allies, grounded on principles which tend to destroy all property, to subvert the laws and religion of every civilized nation, and to introduce universally that wild and destructive system of rapine, anarchy, and impiety, the effects of which, as they have already been manifested in France, furnish a dreadful but useful lesson to the present age and to posterity.

We will, on our parts, persevere with union and vigour in our exertions, sensible that by discontinuing or relaxing the present efforts we could hardly procure even a short interval of delusive repose, and could certainly never obtain either security or peace. Deeply impressed with the necessity of defending all that is most dear to us, and relying with confidence on the valour and resources of our country, on the combined efforts of so large a part of Europe, and, above all, on the incontestable justice of our cause, we will afford to your Majesty all possible support in the just and necessary system in which your Majesty is embarked; and we trust that all classes of your Majesty's subjects will endeavour, by cultivating and practising the principles of humanity, and the duties of

religion, to merit the continuance of the divine favour and protection, which have been so eminently experienced by these kingdoms.

Thursday, 23d January.

The Duke of NORFOLK moved, that the order upon their Lordships' Journals, to proceed farther in the trial of Warren Hastings, Esq. be read; which being done, it appeared that the day appointed for that purpose was the second Tuesday in this session.

His Grace then moved, that the order be discharged, and that they should farther proceed in that trial on the 13th of February next.

A short conversation took place, supported by Lord Radnor and the Lord Chancellor, after which the motion was agreed to.

His Majesty's answer to the address of their Lordships was read, as follows:

My Lords,

I return you my warmest acknowledgements for this very dutiful and loyal address. The sentiments you express respecting the present important situation of public affairs, and the zeal and union you have manifested in support of those measures, which can alone tend to maintain the dearest interests of my people, and to secure the tranquillity and independence of Europe, cannot fail of producing the happiest effects both at home and abroad. You may be assured that nothing shall be wanting on my part to employ with energy and vigour, in a cause of such deep concern, those resources, which I derive from the wisdom and firmness of my Parliament, and from the general attachment of my people to the Constitution and Government of their country, and to the interests of humanity, order, and religion, throughout all Europe.

Earl STANHOPE rose, pursuant to the notice he had given, to call the attention of the House to the motion he intended to make. He said he should explain, as well as he could, the nature of the subject; and in doing so, he knew no better mode than that of following the track of the noble Lord who seconded a motion for the Address of that House to His Majesty, in answer to the gracious speech delivered from the Throne on the first day of the present session of Parliament; which was that of looking our situation fully in the face, as relatively considered with regard to France. In the course of what he had to submit to the consideration of the House, he should call on Ministers for an explanation of their conduct on many points, which he hoped, for their character and credit, they would be able to give, to the satisfaction of the Public. He should also call upon them to point out any of the promises they had made

to the deluded people of France, whom they had invited to join them against the ruling power of that country, which they had performed, or which they had not pointedly broken. He should call upon them likewise to point out any one of their own predictions, any one of their prophecies at the commencement of the present war, which had not been uniformly belied by the event. In the last session of Parliament a measure was debated in both Houses, under the title of a *Traitorous Correspondence bill*; the tone assumed by Ministers, when they insisted on the necessity of that measure, and their affected opinions upon that subject; and above all, the expectations which they held out to the Public, were much more important to this country to be considered at this time, than the bill itself. In the course of debates on that bill, particularly on some of the clauses of it, Ministers thought fit to hold out to the Public, *That if France could not get arms from this country, she could not, for any considerable length of time, carry on the war.* If it should appear that any false expectation had, on this, or any other part of that subject, been given to the people of this country, and they had been deluded into something like a consent to go to war, that was highly criminal in Ministers, and it was necessary that the Public should be undeceived. So far was this supposition, that the French would be unable to carry on the war, if deprived of arms from us, from being true, that the event belied it wholly; for the French, it was notorious, had arms in abundance, and had confessedly the very first artillery in the world. They had no less than seven hundred thousand muskets; some of which had been delivered out, and the remainder were ready upon the first occasion for them. Before he knew the ground of holding out this expectation, and the Minister's view by it, he thought there might be some probability of the truth of it; for it was generally understood, that in all France there was not made above forty thousand muskets a year, and these would be wanted each year for use, and therefore they must soon feel the want of them. But how turned out the event upon that speculation? Why, there was now in Paris alone one hundred thousand stand of arms; and no less than three hundred thousand stand of arms had been added to the arms of France in the course of one year.

The next point upon which the Public had been deluded by the Ministers, in the commencement of this war, was, upon the *quantity of ammunition which the French had at that time, and their ability to increase it.* The Public were told, that unless the French were supplied by others, they soon would be without ammunition. The fact here again was notoriously otherwise; for at this time they had

powder actually made fufficient for all their armies for feven years to come, and faltpetre for feven more. They were making faltpetre at this moment with prodigious expedition, as well as other articles for carrying on the war; in which they were extremely right. By reflecting on thefe facts, Minifters would fee they had abominably mifled the Public, and brought the people to form very erroneous notions of the power of the French, and of the probable continuance of the war. He did not fay thefe things upon vague conjecture, or loofe information; he had the beft authority for what he advanced with regard to the arms, the ammunition, the different requifites for war, and the courage too and difcipline of the troops, and many events relative to the public caufe of France; he had accounts, which he fhould ftate prefently to their Lordfhips, and accounts which came from refponfible Officers of the French Republic, and there was good reafon to rely upon them. Minifters, in fome countries, might, with impunity, miflead the people; but in France there was very little probability of that being the cafe, for any great length of time; for, in France, Minifters and Generals wrote, fpoke, and acted with the guillotine behind them; and he freely owned, that the Minifter who endeavoured to miflead Parliament, deferved to be in that fituation.

The next thing, on which the Public were deluded, was, *that the army of France was in want of cloathing, and that they muft perifh in great numbers under the inclemency of the winter.* So far was that from being the cafe, or being true, in the leaft degree, that he was affured, from very good authority, there was no army in all Europe fo well cloathed as the French troops; but fuppofing the French troops were badly cloathed, did their Lordfhips imagine that men, fighting under the ardour of liberty, would feel the want of cloathing as much as mercenary troops muft? Did they fuppofe that men, with ardour and enthufiafm, fighting for their freedom, would be affected at the want of gaudinefs and foppery of drefs?

The next thing infifted upon, as a proof of the weaknefs of the French, and of their inability to carry on this war, was, *their want of money.* This obfervation really furprifed him when he heard it. Had we not known what the cafe was with America in this refpect? After what we had feen with refpect to that particular in the American caufe, he really expected that fuch an idea would not have been hinted at. We all knew that money was not the only means of carrying on war; for money there were many fubftitutes to be found in preffing times; and as the late Sir George Savile had faid, "Things that were much eftimated in time of peace, were not fo much wanted in time of war, and nothing was of fo much value

then, as the meaſure of eſtimation; and whatever we ſubſtituted for money was of that nature, and would always anſwer all the purpoſes of ſpecie." But, in point of fact, there was no want of money in France; on the contrary, he would venture to aſſert, without fear of contradiction, there was more ſilver, more gold, and more bullion in France, than in the reſt of Europe put together: ſome of this wealth they acquired by two meaſures; the one was a forced loan, and the other a voluntary one; upon which the parties in France had quarrelled with one another about who ſhould avoid the loan. But ſo far was that from being the caſe here, that a loan was a good thing for the individual, and bad for the Public; and the only queſtion with us was, who was to have it?

The point next to be conſidered, was that of the *French aſſignats*. This had been called laſt year "a gigantic ſyſtem of ſwindling," and it was ſaid would be deſtructive to the intereſt of the French; for that in reality theſe aſſignats were worth nothing, and that their imaginary value was diminiſhing daily. This idea had always appeared to him to be an erroneous one. He had ſaid, laſt year, "that, in a ſpeculative point of view, *French aſſignats* were worth more than *Engliſh Bank notes*." For this opinion he was then laughed at; that did not change his opinion from that hour to this; on the contrary, he was confirmed in that opinion; and their Lordſhips would ſee the reaſon of it; at this moment *aſſignats* were *forty per cent.* higher than they were ſix months ago; he ſaid forty; they had riſen more; but he wiſhed to underſtate every thing that had occaſioned him to form his opinion. In another ſix months, probably they would be as much higher. Why then was an aſſignat better property to ſpeculate in than a Bank note? For a very plain reaſon—becauſe a Bank note for ten pounds to-day, will be only worth ten pounds ſix months hence; whereas an aſſignat, of the value of ten pounds this day, may be worth thirty ſix months hence. So much for the wiſdom of our Legiſlature, in making a law to prevent the circulation of French aſſignats. Indeed, an act of Parliament to prevent that, was abſurd; and ſo was the other part of the ſame act which prohibited the ſale of lands in France, which were the property of the nation: it had no effect; at leaſt it had not the intended effect; for the ſale of the French lands, for the uſe of the French Republic, had actually taken place, notwithſtanding our prohibitory ſtatute. The produce of that ſale would, perhaps, aſtoniſh ſome of their Lordſhips. The lands in queſtion were eſtimated at the ſum of *one hundred and thirty-five millions ſterling*. They were ſold regularly for ſix times this eſtimated value! This was not all; for the lands of France were ſo much ſought for

by purchasers, that it was more difficult to obtain it, than in any other country; and it was sold there under circumstances that never distinguished the sale of land in any other country; for the land of the very camp of the Prussian troops was sold while they were in it! He wished to know what their Lordships would now think of the value of the lands of France, and of the possibility of the French turning it to a source of revenue to carry on the war? Upon this, as well as upon various other topics, the people of this country had been most shamefully deluded, with respect to the ability of the French to carry on the war.

The next point on which a delusive expectation arose on the subject of the war, was, *That the Prussian, the Austrian, and the English, were the best troops in the world; that they were disciplined to the very perfection of military tactics, and that the French were a disordered rabble.* We have had, however, some experience which did not authorize this contempt of the French for the want of discipline; and he knew, from the information of an Austrian General, the combined troops were quite alarmed about the discipline of the French troops, as well as about their undaunted courage. These were facts, and Ministers knew them to be so: nor was there any thing wonderful in this; the hardships they had endured, and the opinion they entertained of the nature of the cause in which they were engaged, had made them complete soldiers. Did their Lordships want to know the facts on which these assertions were founded? Let them look at the latter part of this campaign. What did the Austrians say of the French?—"We fight them on the Monday, and defeat them; we fight them on the Tuesday, and defeat them; we fight them on the Wednesday, and defeat them. On the Thursday, they attack and defeat us. After a defeat, it takes us a month to be fit again for the field—they return to the charge in twelve hours!" Such was the superiority of a military Republic over its enemies. These were points which their Lordships, perhaps, might think unworthy of attention, but to him they appeared of the highest importance to this country, and indeed to all parties concerned in the present war. He might have ended his observations on this part of the subject, had not so much been said upon the mighty superiority of discipline among the allied troops, and particularly the English, over the French troops. He wished to know, since we were so much given to boasting, what superiority of discipline we discovered at *Toulon?* Had we terrified the French at that place, by our known and acknowledged superior bravery and skill? No, we had not; on the contrary, the superiority of the French was manifest on that occasion; nor was it wonderful: what

but confuſion could have been expected, by any one accuſtomed to reflect, from the motley group ſtationed at that place to defend it? and that too againſt the ardour and impetuoſity of the French?—What but the moſt ridiculous diſorder could have been expected from a mixture of Engliſh, French, Iriſh, Italian, German, and Piedmonteſe? No two of them underſtanding one another, and yet all called upon to underſtand every order that was given to them all; this muſt have produced an entertaining variety, and muſt reſemble, in ſome degree, the confuſion at the Tower of Babel? Could any thing be more ridiculous! The commands were given by the General in one language; delivered to the troops in another, through the medium of an interpreter; and ſometimes, when the ſucceſs of an enterprize depended upon the quickneſs of an attack, the interpreter was not preſent, and the enterprize was delayed until ſucceſs was impoſſible. All our plans at that place were ſaid to be well laid, and the whole was ſaid to be well executed, for ſo the ſpeech from the Throne expreſſed; in ſhort, there was nothing to be obſerved but wiſdom of deſign, and promptneſs of execution, at Toulon, from the moment we entered, till the moment we evacuated the place! All this was inſiſted upon with gravity; and yet we came back, without performing what we had ſolemnly promiſed to the French who received us. Theſe things might not appear to others as they did to him, but he thought it very weak in us to rely ſo much in future on the ſuperiority of our diſcipline, after the French had taken ſo much pains to convince us of the fallacy of our opinion upon that ſubject.

The next thing upon which the people of this country were taught to rely on, for the ſucceſs of this war, was, *the want of corn in France*: the propoſition was, that the French ſhould be *ſtarved into ſubmiſſion*. France, it was ſaid, was to be hermetically ſealed up, until ſhe ſubmitted; that was to ſay, as had been ſaid during the American war, a ſyſtem of ſtarvation was to be adopted. Thirty millions of our fellow beings, the maſs of whom could not poſſibly have offended us, were to be ſtarved, becauſe their form of Government did not ſuit the political palate of a German deſpot! Such an idea was too horrid to reflect on, if it could be carried into effect; but the folly of the idea was without a parallel, and the plan would ſoon appear as abſurd in effect, as it was infernal in principle; it had already united the French in many parts much more cloſely than before; and the Jacobins, who certainly had the ruling power in France, would be furniſhed with an apology for a meaſure, which would compel all who were able to bear arms, to take the field; for, under pretence of ſowing the corn for the army, it might

be difficult for the peasants to obtain bread, without bearing arms for the Republic. But we had taken Toulon, which was a master-piece of policy. Yes, we had, and had lost it; and there ended its history, except the expence which must attend it, which must be very great, and which must be defrayed by the people of England.

A noble Lord, who seconded the motion for the address which that House had voted to His Majesty, had observed in the course of his speech, that in many things we were unable to imitate the French; that *we could not rise in a mass* as they did; that was certainly very true, and for which Ministers had a reason, which they perhaps would not be very ready to assign; the truth was, they could not venture to arm the people of this country; or if they did, even then the French would have a great advantage over us in that respect; for it was not in France, as unfortunately it was in England, with regard to the enlisting soldiers. The soldiers with them were not enlisted, as foolishly with us; they were not for life, but only for a term of years. The consequence of which was, that a man, after serving a number of years, returned home to his department, and instructed young men in military exercises. This practice having continued for a great length of time, the French were much better acquainted than us with the art of war; and indeed they would soon become an army of soldiers; they had already given a slight specimen of what they might do, by only rising in some parts of the country in a mass. When that should become general, it would be the lever of *Archimedes*, which, if ever put in force, would be indeed terrific.

There was another point in which we could not imitate the French in carrying on this war; that was, *a method of raising the supplies* for it; and he would tell their Lordships how stupid it was to suppose that war could not be carried on without money. Enthusiasm produced prodigious effects; it made them bear all the evils of war, not without a murmur only, but, in many cases, with pleasure also. It suppressed the feelings even of parental affection. Of this, there was a memorable instance lately in France: Their Lordships would recollect, there was some time ago a report, (which turned out afterwards to be a false one, but that was of no importance to his present purpose, since the effect was the same as if it had been true) there was a report, he said, that in a department in France, six hundred young men had manifested a disposition to effect a counter-revolution. What was the effect? The parents of these young men appeared at the bar of the National Convention, and demanded, as an act of justice, that the heads of such traitors should be severed from their bodies, without distinc-

tion! Their Lordſhips had read much of the heroic virtue of the ancient Romans. We had all read of, and had been accuſtomed to applaud, the conduct of *Brutus*; great and glorious as it was, it was, in compariſon to this republican enthuſiaſm, almoſt cold and lifeleſs: *Brutus* was an officer, and, in that character, had certain duties to diſcharge; but theſe were private individuals who demanded the death of their relatives for the public good! Such were the men whom their enemies were to conquer by the efforts of mercenary troops! This was not all; for ſuppoſing all this ardour and enthuſiaſm to be worth nothing in this war, although, by the bye, he thought worth more than all other conſiderations put together, but ſuppoſing it to be uſeleſs, were the French without means of procuring property to carry on the war? Thoſe who thought ſo, would be ſadly deceived. They had already taken the King's Civil Liſt, and they had taken a good deal from the Clergy, and they may take a great deal more; what they already have from individuals will pay the expence of the next campaign; and reſources of this nature are almoſt infinite among them: extenſive enough unqueſtionably to ſurvive all their enemies, if wealth can decide the diſpute. They have taken bells, and caſt them into cannon, which, by the bye, was making them more uſeful to the Republic, than to have them dangling to ſteeples. Their ſilver ſaints too, they had preſſed into the ſervice, and had found their aſſiſtance beneficial. What was the treaſure of the French? Their arms, their ſtores, their ammunition, their ſtrength, their power, their numbers; but above all, their zeal and enthuſiaſm; ſuch, in the aggregate, as muſt render them invincible. Theſe were things not to be imitated by any other people in Europe at the preſent moment. Had we any of this zeal, any of this enthuſiaſm, in the maſs of the people? He lived in the Weſt; he heard frequently from the North and South of this iſland, and, from all he could collect, there was no ſuch thing as even a deſire among the people to keep up the war. Upon the laſt campaign; the general temper of the people he did not believe to be what a noble Duke had hinted in the debate on the addreſs. [This alluded to the ſpeech of the Duke of Norfolk, who ſaid, he thought that by a falſe alarm of inſurrection, Miniſters had given ſomething like popularity to the commencement of the war.] But now he was confident the general deſire of the people was for peace; and that it ſhould be concluded as ſpeedily as poſſible.

There was a point almoſt entirely neglected by thoſe who ſpoke upon the ſubject of the preſent war, and that point appeared to him to be of very great importance. Their Lordſhips ſhould recollect

how long it was since the French revolution happened; those who were lads at that time were now become men; and those who were little children were become boys; it was upon these that the French chiefly depended; and their way of thinking upon political subjects differed widely from those moderate men who first brought about the revolution. They, many of them, were friends to a limited monarchy; but now the mass of the French was that of an enthusiastic republic; and even among the few who might yet be moderate, the greater part were for liberty. This was an important point to be considered; much must depend upon the opinion of the French people at large, in a war where we insisted on their taking a certain form of Government for themselves; and the opinion of the people at large might be pretty well discovered by the debates of the Convention, which, with other societies added to it, certainly had the whole of the Government of France, and had possession, properly speaking, of the whole country, and unless they spoke the sense of the people their power would soon be at an end. Their Lordships should hear what was said by one of the Members of the Jacobin club, and then they should judge what was thought of the qualification of a patriot in France at this time; they should hear the words of an able man, Du Bois Crance. "Let us," said he, "expel from this important society, every man that cannot prove an act which, if there was a counter-revolution, should entitle him to be hanged." This was well expressed by a man whose object it was to prove he was a true Republican. I am, said his Lordship, ready to be hanged or guillotined for the cause of liberty myself; it is not what I wish or call for, but I hope, that if it became necessary I should shew that I would not shrink from it.

There was an opinion entertained some time ago, that Ministers were entering into, or rather, to speak correctly, advising His Majesty to enter into, alliance with foreign powers, for the purpose of forming a Government for France. This being put to Ministers, was denied, at first rather ambiguously; but when he put the question positively to the noble Secretary of State, it was peremptorily denied.

He should now state the proclamation of Lord Hood, on taking possession of *Toulon*.

"Whereas the sections of Toulon have, by their Commissioners to me, made a solemn declaration in favour of monarchy, have proclaimed Louis 17th, son of the late Louis 16th, their lawful King, and have sworn to acknowledge him, and no longer suffer the despotism of the tyrants which at this time govern France, but will do their utmost to establish monarchy, *as accepted by their late Sovereign in* 1789, and restore peace to their distracted and calamitous country.

"I do hereby repeat what I have already declared to the people of the South of France, that *I take possession of Toulon, and hold it in trust only for Louis 17th, until peace shall be re-established in France,* which I hope and trust will be soon."

28th August, 1793. HOOD."

Such was the declaration of Lord Hood. He declared he took the place for the purpose of establishing monarchy, as settled in the year 1789. Now it is avowed that we carry on the war for something else. If Lord Hood had mistaken his instructions, Ministers should say so, and the blame would attach upon his Lordship. Possibly Ministers had an answer to this subject; he should be very happy to have it explained away; but at present, there was an apparent contradiction in their sentiments, with regard to the object of the war. Last session of Parliament, when this subject was debated with us, what was the language held out by Austria and Prussia, with regard to a form of Government for France? Despotism! What were their views when Dumourier corresponded with, and advised the Prince De Saxe Cobourg—This same Dumourier, who only lost the favour of these generous allies because he was not successful in his treachery to the French, whose battles he undertook to fight—What were the views, he asked, of these allies at this time? To establish despotism in France; and with these we had entered into alliance; but we did not at first avow their system to its extent, and the duplicity with which we acted was shameful. Lord Hood, at *Toulon*, professes to want the Constitution established in France in the year 1789, and accepted by Louis the 16th; and at this very time, Ministers, at *Whitehall*, say to the French, "we will secure to you a monarchy at all events. Let there be a King, let him be limited, or unlimited. Let the power be free from the people, or let it it be the despotic, absolute will of the monarch; these are considerations of no importance to us, either of these will do, so that you have a King. We will give you a monarchy at all events, which may be modeled and settled hereafter." The declaration of His Majesty, of the 29th of October, stated, amongst other things, "That the circumstances in consequence of which His Majesty had found himself engaged in a defensive war against France, were then known to all Europe. The objects which His Majesty had proposed to himself from the commencement of the war were of equal notoriety. To repel an unprovoked aggression; to contribute to the immediate defence of his allies; to obtain for them and for himself, a just indemnification; and to provide, as far as circumstances would allow, for the future security of his own subjects, and of all the other nations of Europe; these were the points

for which His Majesty had felt it incumbent on him to employ all the means which he derives from the resources of his dominions, from the zeal and affection of his people, and from the unquestionable justice of his cause. The declaration then proceeded to state the calamities brought upon France by the tyranny of its present rulers, and disclaimed, on the part of His Majesty, any wish to interfere in the particular form of Government to be established in an independant country; but concludes, " It is for these objects that he calls upon them to join the standard of an hereditary monarchy, *not for the purpose of deciding in this moment of disorder, calamity, and public danger, on all the modifications of which this form of Government is susceptible*; but in order to unite themselves once more under the empire of law, of morality, and religion, and to secure at length to their own country, external peace, domestic tranquillity, a real and genuine liberty, a wise, moderate, and beneficent Government, and the uninterrupted enjoyment of all the advantages which can contribute to the happiness and prosperity of a great and powerful nation." How did this tally with the proclamation of Lord Hood at Toulon, who had expressly stipulated for the Constitution of 1789! How did either of them agree with the proclamation of General Wurmser, which stated nothing but positive and unlimited monarchy. This, Austria and Prussia had continued to persist in, ever since the Revolution, we had entered into alliance with these powers, and seemed now to have fully entered into the spirit of their views; although at first, we affected to disclaim them. All this change came about within the course of six months. If he was as much inclined to speak favourably of Ministers as a pensioner, he must confess these things, he had no pleasure in stating them; nor did he conclusively say they could not be explained to the satisfaction of the Public; but they certainly were very great apparent contradictions.

He must now take notice of the *protection*, which, on the part of this country, was promised to such of the French as would declare themselves in favour of Royalty, and against the present ruling power or tyrannical faction of France. Protection! What protection could we give them? Such protection as we had already given. What had happened? Lyons, La Vendee, and Toulon; all these places had been entirely destroyed, and thousands had lost their lives in the course of the contest in each place. To hold out promises of this kind, when we knew it was out of our power to fulfil them, appeared to him to be highly immoral; inasmuch as it exposed thousands of deluded creatures to famine, despair, and death, to be

highly impolitic alſo, as it muſt, in time, annihilate all confidence in us, and in our promiſes altogether.

He heard much, he ſaid, of the monſtrous Government of France, and of the ſanguinary decrees lately paſſed in the French Convention; but there was a diſtinction to be made in this part of the ſubject, which had not been ſo caſually overlooked, by force, as it was deſignedly omitted in all their ſpeeches, and their writings. The diſtinction he meant was this, the difference between the *real Conſtitution of France*, and the *proviſional Government of France*. The Conſtitution of France was fixed, definite, clear, and permanent, and at the head of it was the impreſcriptible Rights of Man, which were of ſo excellent a nature, that he defied all the Philoſophers on earth to improve it. He could not do better than to recall the attention of that Houſe to its contents. Here he read the declaration of the Rights of Man prefixed to the Conſtitution. [Vide the Conſtitution itſelf.] The baſis of this declaration was liberty; and equality was a part of liberty. By equality was meant, not that all men ſhould be equal in property, that was impoſſible, that was the miſrepreſentation of intereſted men, and believed only by the moſt ſtupid. It was nothing more than this; that all men had an equal right, by talents and induſtry, to gain, and having gained, had a right to keep their property; had an equal right to equal laws, and an impartial adminiſtration of Juſtice. This was the equality which was ſo much condemned; an equality which conſtituted the eſſence of Juſtice between man and man in a ſtate of Society. On this was founded the whole of the declaration of rights. His Lordſhip then gave a ſhort hiſtory of the forming of the Conſtitution of France by the *Girondiſt* party, and the general diſpoſition manifeſted by the people to revolt at it. He then gave an account of the formation of the Conſtitution, as it now ſtands, and obſerved that the whole people of France approved of it; that after the forming of it, by the Convention, they did, as they ought to do; they ſent a copy of it to every pariſh in France: there it was left for the people to form their opinion of it; they did form their opinion of it, and entered into a formal, as well as heart-felt, acceptation of it; and accordingly tranſmitted that acceptation to the Convention. The original act then became the expreſſion of the general will; and it was recorded, and now remains, and is the Conſtitution of France. We were aſked, what *ſecurity* could we have for a faithful obſervance of any treaty or agreement with the French, if we ſhould at preſent enter into any? He would anſwer, the French Conſtitution, which was a higher degree of ſecurity than any other power in Europe could give; becauſe the Conſtitution

of France was the act of almost entirely the whole of the people of France. By that very Constitution the French had renounced solemnly, and for ever, all thought of interfering with any Government but their own: this was manifested in the 118th and the 119th articles of that very Constitution, and expressed a friendship for every free people. The articles were as follow:

"The French people is the friend and the natural ally of every free people.

"It does not interfere in the Government of other nations. It does not suffer other nations to interfere in its own."

This was not all; for they had declared, in the declaration of rights, which he had already read to their Lordships, that liberty is the power which belongs to man, of doing every thing that does not hurt the rights of another; its principle is nature; its rule Justice; its protection the law; and its moral limits are defined by this maxim, "Do not to another what you would not wish done to yourself." This was the basis of the Constitution of France. It was more; for it was the basis of Christianity itself; for by the power of our holy religion it was expressed, "Do unto thy neighbour that which thou wouldst have thy neighbour do unto thee;" and yet the French people were called Atheists! By the bye, a word or two upon that subject presently: he must now, however, proceed upon the distinction which he had promised to make between the *fixed permanent Government of France*, and the *provisional* Government of France. The *Constitution was unalterable*, and he had already defined it. With regard to the *provisional Government*, under which head were to be taken all sanguinary decrees which have lately passed in the Convention; the provisional Government, he said, was of a *temporary nature*, and might, and, if necessary, would, be repealed by the same authority that passed them, whenever that became necessary, for the ends of negociation with other powers. This provisional Government, altogether, was erected for the purpose of repelling their invaders, and to drive their enemies out of their dominions. It was like the temporary law of a besieged town, made at the commencement of the siege, and to end at the conclusion of the siege. It was not to this provisional Government that we were to look, but to the French Constitution; many parts of which were founded on the principles of the British Constitution; and as to these decrees, of which we had heard so much, as he had before observed, they might be repealed at a breath: indeed the point was so plain, that it was needless to urge much upon it. He was reminded by it, however, of what was said by that great man, the late Lord Chatham, when he took notice of the manner in which some persons

had insisted on the authority of certain acts of Parliament in this country, with respect to America, at the time of the American war. "It is not," said he, "by insisting upon, or by repealing a few paltry scraps of parchment, which are called acts of Parliament, that you are to preserve your true interest; it is by observing a candid, just, and honourable conduct, that you are to convince the world of the purity of your intentions, and to hope for an honourable and permanent tranquility." So in this case, if we followed that advice, there could be no difficulties upon these decrees, or upon any part of this provisional Government. Indeed the French had manifested a disposition to be on friendly terms with us, in preference to almost any other power. What had they done with respect to foreign nations? They had voted, that *Great Britain* was a free Government, and they had set up the flags of *Great Britain* and *America*, together with that of *France*, in the Hall of the Jacobins, and considered them as fit to be united.

With regard to the charge of *Atheism*, so lavishly heaped on the French people, he might dispose of the whole of it, at once, by saying, that we had nothing to do with the religion of any other country. But upon that subject, those who charged the whole of the French people, or any great number of them, with Atheism, were wrong: the truth was, there were some Atheists in France before the revolution; but who and what were they? *Pampered, mitred Priests*, and *Aristocrats*; none of what are called now the *Sans Culottes*; no, nor any of the middle class, by whom the nation is now supported, and whose opinion only can be worth attending to, in a national point of view, and by whom this Constitution was formed. *Aristocrats*, he said, only, were *Atheists*. In support of this, he would give their Lordships an instance of what he himself witnessed, when at Paris on his travels. A company of people of fashion of both sexes met; present also a Minister of a foreign Court, not the noble Earl near him (the Earl of Mansfield;) the entertainment consisted of a debate, in which there were, as generally is the case in most debating assemblies, two champions, from whom the company expect the greatest instruction or amusement, and some inferior orators, now and then to support some trifling parts. The question was not, whether there was or was not a God? But whether inculcating the doctrine that there was a God, was not too gross an imposture upon the credulity of mankind? One of these champions supported the affirmative of this proposition, and the other only thought it a harmless and justifiable imposture. In the course of this debate, none were more delighted than some dignified clergy who were present. [Here there were some murmurs in the

House.] His Lordship said, it was bad, very bad; and instead of entertaining him, excited his horror; but he related it, to shew to the House that the *Atheists in France were Aristocrats*, characters now nearly exterminated there, and for the purpose also of observing, that it was in France, as in most other countries, the middling and the lower classes had some reverence for religion, and that the charge of Atheism against the whole of the French people, was like many other charges against them in the mass, wholly unfounded. It was true, indeed, that religion had been treated with some levity among the French, and this was more occasioned by the Clergy themselves, than by any other class of men; they made a mere trade of religion, for the purpose of deluding the populace; and they kept up, by fanaticism, a system of deception for the most infamous purposes; they taught the poor and simple creatures who bore arms for a standard of Royalty in France, to depend upon the religion for which they fought, and pretended, by the most bare-faced tricks, to perform what could not be done by natural agency. This would be evident, by a list of the tools of their trade, which had been taken in a camp belonging to some of these Royalists—

The Bishop of DURHAM said, he could not sit still to hear any more of what the noble Earl proposed to deliver upon the subject of religion: it might, perhaps, be well adapted for the amusement of the National Convention, or the Club of Jacobins, whom the noble Earl had taken pains to extol, but indeed it appeared to him to have no connection with the motion with which it was generally understood the noble Earl was to conclude his speech. He could not help saying that their Lordships had heard, with admirable patience, an extravagant farrago, for a much longer time than any person was entitled to expect; but he trusted that their Lordships would now see the propriety of withholding any farther attention to a subject so unfit for grave deliberation and the dignity of the House.

Earl STANHOPE said, he really meant nothing disrespectful to religion; he only meant to expose some of the very shameful tricks of its professors. He was satisfied he did not transgress any known rule of order in that House. The reverend Prelate had objected to what he had not heard, as being unconnected with a motion which was not made, and had been pleased to style what he had heard, most elegantly, a farrago. Be that as it might, he would never intrude upon the temper of the House; and although he knew himself to be regular, yet even the wish of the House should command him to abandon the subject, which had given so much offence to the reverend Prelate. But, to proceed to his motion, not even a combination of Bishops should prevent him. He

thought it his duty to do so; for, in his conscience he believed that this war was entered into by misconception, and had been hitherto carried on by misrepresentation. That the calamities already attending it were dreadful and alarming; that a continuance of it might be the ruin of this country. To do his duty, in endeavouring to prevent that fatal catastrophe, he should conclude with moving,

"That an humble address be presented to His Majesty, humbly to represent to His Majesty, that the French nation have expressly recognized the sacred principle, that no country possesses the right to interfere with another independent nation. To state to His Majesty, that in the 118th and 119th *Articles* of the Constitution of France, they have declared, that the French are the friends and the natural allies of every free people, and that it does not interfere with the Government of other nations.—Humbly, therefore, to beseech His Majesty, in his equity and justice, to acknowledge the French Republic, and thereby lay the foundation of a speedy reconciliation and permanent peace."

Let us do this, said his Lordship. Let us be just—let us be honest. Let us do our duty to one another; let us confide in Providence, (for I am not without religion); let us, I say, endeavour to do justice, and leave the rest to God!

Lord ABINGDON said, that if the noble Lord's motion had been, that the present Republican anarchy of France was the best and fittest Government for the blood-thirsty robbers and impious murderers of that country, and that we, acknowledging this, should bind ourselves to keep them in that state as the one best adapted for such a race of monsters, and not suffer them to have a monarchical or any better form of Government whatever, he would, with heartfelt pleasure and satisfaction, second the noble Lord's motion; but the motion being what it is, in his opinion, the best argument against it was a good loud horse-laugh!

Lord DARNLEY opposed Earl Stanhope's motion as being extremely dangerous in its tendency at the present moment, and dissented so far from the sentiments of the noble Lord's motion upon this subject, that he thought that the Minister who should propose either to treat for, or accept peace, with the French Government, would deserve to lose his head.

The Earl of WARWICK paid Earl Stanhope many handsome compliments for private virtues which he knew him to possess, but differed from him essentially in political sentiments, and particularly on this occasion. He allowed him purity of intentions, he disclaimed all insinuations to the contrary, but he must confess his motion was, in his opinion, highly improper under the circumstances of the present war.

The motion was then put and negatived; and the House adjourned to Tuesday next.

Tuesday, 28th January.

Earl STANHOPE obſerved, that whenever any matter which reſpected the judicature of Great Britain was the ſubject of public obſervation, and it was thought the laws had not been juſtly adminiſtered, he deemed it his duty, as a Member of the Legiſlature, to bring that ſubject under the conſideration of their Lordſhips. He ſhould, therefore, without any farther preface, move, "That all the Lords be ſummoned for Friday next."

The LORD CHANCELLOR conceived it would be proper for the noble Earl to declare what was the ſubject of his motion, as without that intimation their Lordſhips would be particularly ordered to aſſemble for an indefinite purpoſe.

Lord STANHOPE replied, that he was not obliged to name the particu ar circumſtance; but in order to comply with the learned Lord's idea, he ſhould ſtate, that what he had to ſubmit to the Houſe was, a motion on the ſubject of the ſentence of tranſportation of Meſſrs. Muir and Palmer, whoſe caſe he meant to bring legally before their Lordſhips; and if the learned Lord did not think this explanation ſufficient, he ſhould now enter into the merits of his intended motion.

Lord LAUDERDALE truſted that his noble friend would not purſue this motion, as it might tend to injure the progreſs of the very object he ſought, which was taken up with great ſolemnity in another Houſe, and was proceeding in a manner from which he ſaw the faireſt proſpect of ſucceſs, as there were incontrovertible arguments to ſupport its juſtice. He begged him, at leaſt, to poſtpone it, until the fate of what was now depending in another Houſe was determined.

Lord STANHOPE inſiſted that his motion would not interfere with what was going forward elſewhere. It went merely to ſtop the tranſportation of thoſe two gentlemen before their caſe was argued before the Houſe.

The LORD CHANCELLOR then put the queſtion, that the Lords be ſummoned for Friday, which was carried, and their Lordſhips adjourned to next day.

Wedneſday, 29th January.

Lord GRENVILLE brought a meſſage from his Majeſty, acquainting the Houſe, that his Majeſty had been pleaſed to order the landing of ſome Heſſian troops. [For a copy of the meſſage ſee the Proceedings of the Houſe of Commons of the ſame date.] His Lordſhip moved an addreſs to his Majeſty, moſt humbly to thank his Majeſty for his gracious communication.

Lord LAUDERDALE expressed his surprise at this proceeding, which he regarded as extremely unconstitutional. He requested that the noble Secretary of State would inform the House of the number of the troops that had been landed, and of the nature of their future destination. His Lordship did not desire to know the particular service for which they were designed, but only if they were to defend the island, or were landed merely for the purpose of being employed at a proper time on some other service. This was an information which he thought extremely necessary and important to that House.

Lord GRENVILLE replied, that he could not give any other information, either as to the number or future destination of the Hessian troops, than what was contained in his Majesty's most gracious message.

Lord LAUDERDALE said, that he thought the noble Secretary was bound to give the House the information he required. The nation had ever been jealous of its liberty, and of the landing of foreign troops. In a period of much greater importance, in 1746, the Parliament had desired to know the number of Hessian troops landed in England, when they did not exceed 6000; and, except for this precaution, he said, any number might be landed without the knowledge or consent of Parliament. His Lordship said, he had no apprehensions of being deemed disorderly when he considered the message as that of the Minister and treated it accordingly, and therefore should demand every satisfaction on the subject which the House had a right to expect.

The motion for the address was then read, and carried.

Earl STANHOPE rose, and observed, that he did not suppose he would be contradicted by any noble Lord in the House, when he asserted that an examination into the practice of the courts of justice of this kingdom, and whatever appertained to them, and the conduct of the Judges, were important trusts, and such as involved their Lordships in a correspondent and essential duty to examine into either with care and deliberation, when any thing occurred which had the semblance of injustice or oppression. The question which he would have the honour to submit to their Lordships, was one, to which, from its singularity and oppression, he could not suppose that they were strangers. If it were asked, if he had a precedent for what he was going to move, he would reply that, in his mind, precedents were unnecessary, where oppression was great, or misconduct manifest. For it was the unalienable right of the people, not to hold precedents necessary, where *Magna Charta* was abused, or the laws stretched to a degree unjustifiable. If, therefore, some

noble Lords required precedents to bear him out in his arguments, he would even meet them on this ground, and ſtate three, which were ſtrictly in point, and were ſuch as would be received by their Lordſhips, with that degree of ſentiment that was certainly due to their importance. In the reign of William and Mary, there were four acts paſſed to reverſe four different attainders. Three of theſe, particularly, muſt occur to the mind of every noble Lord preſent. They were thoſe which referred to Alderman Corniſh, Algernoon Sydney, and Lord Ruſſel, who were charged with ſedition and treaſon. In the year 1689, a bill was brought in to reverſe the ſentence of the court againſt Alderman Corniſh, which was read on the 2d day of June, a firſt time; and was read a ſecond time the ſame day, and committed. [Here the noble Earl called upon the Clerk of the Houſe to read extracts from the Journals in corroboration of his aſſertions]. From the precedents read from the Journals, Earl Stanhope proceeded to obſerve, that the bill for reviſing the attainder againſt Alderman Corniſh, paſſed the Commons in the courſe of four days, and was ſent up to the Lords for their concurrence. The attainder againſt Algernoon Sydney and William Ruſſel, commonly called Lord Ruſſel, were alſo made void by a ſimilar proceſs, in conſequence of the recommendation of his Majeſty to the Houſe, to take the ſame into its conſideration. Theſe were the grounds on which he would bring forward his motion, with reſpect to Mr. Muir, the proceedings againſt whom, he pronounced to be of the moſt extraordinary, and, in his mind, the moſt unjuſtifiable, nature, that ever came before a court of juſtice. In this unexampled trial, their Lordſhips muſt be ſurpriſed to hear, that the Lord Advocate was ſuffered to bring forward every circumſtance which he thought neceſſary to criminate the pannel, or, agreeably to the phraſeology of the Engliſh courts, the defendant; and, though the moſt prominent charges brought againſt the pannel on his trial, were not contained in the indictment, ſtill the pannel, which, according to law and juſtice, ought to have availed himſelf of the circumſtance, was not admitted to do ſo, becauſe the Lord Advocate declared, that if the charges were there inſerted, the indictment would cover the walls of the court. What, he aſked, would their Lordſhips ſay to the Managers of the Impeachment, if they had omitted ſeveral of their moſt important charges againſt Mr. Haſtings, and afterwards attempted to prove him guilty of ſuch? Surely their Lordſhips would not ſuffer them to profit by their own negligence, becauſe, forſooth, they might have apologiſed for their remiſſneſs, by ſaying, that the introduction of ſuch charges in the articles of the Impeachment would occaſion

them to extend to ſuch a length, that they would cover the walls of the High Court of Parliament. Nothing, in his mind, could be more abſurd, or derogatory to the principles of law, or of common ſenſe. But the principle, when attempted to be eſtabliſhed on the Impeachment, was four ſeveral times repelled by their Lordſhips in the caſe of Warren Haſtings, in the inſtances that he would mention. Mr. Haſtings was charged by one of the Managers with having acted criminally in having received ſix lacks of rupees from Kelleram. The production of this evidence was objected to by Mr. Law, the Counſel for the priſoner, becauſe the fact was not charged in the Impeachment; whereupon their Lordſhips adjourned to their Chamber of Parliament, and after debate reſolved, that ſuch evidence was inadmiſſible for the reaſon aſſigned. On the 29th of April, 1790, the Managers interrogated a witneſs, whether or not more oppreſſion did not exiſt under the new inſtitutions eſtabliſhed by Mr. Haſtings, than under the old forms that prevailed before his arrival in India? The queſtion was alſo objected to by the Counſel for Mr. Haſtings, becauſe the charge was not contained in the Impeachment, though he admitted that the word "oppreſſion" was inſerted in the articles. Mr. Plomer contended, that the Managers could not come forward with any charge founded on general words, without ſuch charge was ſtated in full and preciſe terms in the Impeachment. Mr. Burke replied, by declaring, "that he did not contend that any ſuch proceeding ſhould be tolerated," but ſtill he inſiſted, "that the Managers for the Houſe of Commons were not bound by the rules or forms of precedent in ordinary caſes, and that ſuch privilege was their *Magna Charta*, and therefore they were juſtified in ſuch proceedings;" but when their Lordſhips met in their Chamber of Parliament, they wiſely and properly adhered to the ſtrict principle of the law of evidence, and reſolved, that the Managers were not competent to call witneſſes to any fact not ſpecifically charged in the articles of Impeachment. His Lordſhip next called the attention of the Houſe to its farther proceedings on the Impeachment, when the Managers attempted to implicate Mr. Haſtings in the enormities of Deby Sing. Another effort to produce queſtionable evidence againſt Mr. Haſtings was made in May 1790, on a circumſtance not charged in the Impeachment; all of which would appear to have been reſiſted by their Lordſhips in their Journals, on the ſame grounds that they had objected, in the firſt inſtance, to hear witneſſes againſt the priſoner. His Lordſhip read a ſtatement of what paſſed in Weſtminſter Hall, in each of the inſtances he had referred to, from his own notes taken during the trial, and mentioned the particular pages of the printed evidence,

where they would be found, together with the resolutions of the House, on each occasion, delivered in Westminster Hall by the Lord Chancellor, by their Lordships' directions. Now, if this could not be suffered in the case of Mr. Hastings, who was to have months, and even years, to prepare his defence, how much more forcibly did it apply to Mr. Muir, who was to answer on the moment. It was inconsistent too with the practice of Scotland; for an indictment was made out, the facts alledged were set forth, and a copy of this was given to the defendant. Why? That he might know the crime with which he was charged in time to prepare his defence. But what would their Lordships say when they heard that facts were brought forward in evidence not charged in the indictment, "because," forsooth, said the Lord Advocate, "if he had enumerated all the acts of the defendant in the indictment, it would have covered the walls of the court."—This was not all; Mr. Muir was obliged, by the practice of the court, to give in a list of the witnesses the day before the trial. Then, after seeing all that he meant to prove in his justification, the prosecutor was suffered to bring forth new facts against him, of which no notice had been given him, under the pretext of their being collateral to the main point, and for which he could not, even if he had had a hundred witnesses in the court that could refute them, have adduced any of them, because their names had not been given in the day before. By this means the gentleman was *entrapped*; he begged that his words might be attended to. The gentleman was entrapped in a manner most outrageous to all ideas of common justice. There were other circumstances in this trial equally at variance with all the principles which we reverenced; and the same facts occurred in the trial of the Reverend Mr. Palmer, a man of most disinterested integrity, and whose conduct was so exemplary, that he could not avoid specifying an instance. He was known to, and patronised by, the late Duke of Rutland, who proposed to give him a valuable living; but from motives of conscience he refused it. Another, and a most affecting proof of his integrity, and of his amiable manners, was, that a young gentleman whom he had educated, of the name of Ellis, was so attached by gratitude and esteem to his honoured master, that he had determined to abandon all his hopes, all his connections in life, and to accompany Mr. Palmer in his exile to Botany Bay. This endearing instance of generous attachment he mentioned to prove, that this dreadful sentence, after a trial so extraordinary, had been passed on a most venerable and admired character. In his instance, there had been a misnomer in the name. The objection was over-ruled; they tried him by

the falſe name, but when they came to paſs ſentence, they took care then to call him by his real name; thus the perſon who is puniſhed is not the perſon who was tried. Challenges too were made of ſeveral of the jurors, upon grounds that ought to have been irreſiſtible; nay, one of the jurors felt the force of the objection ſo ſtrongly, that he requeſted permiſſion to withdraw—this was over-ruled. If all this was the law of Scotland, which certainly he would not take upon himſelf to deny, he would only obſerve that Scotland had no more liberty, than it had under the race of the Stuarts. All that he contended for was, that they ſhould enquire into the trials: he meant to propoſe no cenſure in the firſt place, he deſired only that the ſentences paſſed againſt theſe perſons ſhould not be put in execution until their Lordſhips ſhould have time to enquire, for nothing was more clear than that they ought to prevent the evil conſequences of theſe harſh and indiſcreet proceedings, not to ſuffer them firſt to take place, and then find that they were wrong. He had ſome ſimilar motions in his hand, for the four caſes that had already occurred in Scotland, of Mr. Muir, Mr. Palmer, Mr. Skirving, and Mr. Margarott. He concluded by moving the firſt: "That an humble addreſs be preſented to His Majeſty, repreſenting, that their Lordſhips have been informed of the trial and conviction of Thomas Muir, Eſq. before the Court of Juſticiary in Scotland, and entreating that His Majeſty may be graciouſly pleaſed to countermand the ſentence of tranſportation: and alſo to repreſent that the Houſe intends to proceed and examine into the circumſtances; and to beſeech His Majeſty that the ſaid Thomas Muir be not tranſported, until the Houſe has had ſufficient time to make ſuch examination."

The Earl of MANSFIELD was never more aſtoniſhed, and he had long ſat in Parliament, than he was at what fell from the noble Earl. It was a heterogeneous mixture of he knew not what, founded on flights of fancy that ſoared beyond the comprehenſion of reaſon. To follow the noble Lord through the wilderneſs of his imagination, would be to loſe ſight of the beaten tract of common ſenſe, and ſtray into the unfrequented paths of wild imagination. The attention which he took the liberty to claim at preſent, reſpected what the noble Earl had advanced on the ſubject of the Juſticiary Courts of Scotland, and to this he could take upon him to anſwer, that in no Court under the glorious Conſtitution of this country, had juſtice been adminiſtered with more fidelity. Whenever the noble Earl thought proper in a legal and a conſtitutional form to bring the proceedings of that Court before their Lordſhips' tribunal, either by writ of error, or any other mode, then the noble Earl pledged him-

felf to juftify the proceedings of the Courts below; and as far as his abilities were competent, and his ftrength allowed, he would meet the noble Earl, or any other Lord, on that fubject, and clearly demonftrate that the fentences paffed on the criminals, lately fentenced by the Court of Jufticiary, were ftrictly legal, truly conformable to the law of Scotland, and perfectly agreeable to the Union. As to what the noble Lord advanced refpecting Algernon Sydney, Lord Ruffel, &c. that was totally irrelevant to the queftion. The prefent culprits were to be tried by the laws of Scotland, and not of England. Did the noble Earl wifh to try delinquents in Scotland by the laws of England? Did he wifh to deprive them of their own Conftitution, and fubject them to laws to which they never, in their reprefentative capacity, affented? If he did not, then the prefent motion was ridiculous in the extreme, for it went to this purport, that the Houfe of Lords fhould, without any document to afcertain a fact, addrefs His Majefty to poftpone the fentence of a Court of Juftice. The noble Lord had not produced any one paper, or any other evidence, except his own affertion, to fupport his motion. The Courts of Scotland, like the Courts of England, were open to revifion of any fentence, if that fentence was deemed unjuft, but inftead of the regular application by writ of error, or by appeal to the Throne of Mercy, an attempt was fet on foot by unfair accounts of the trial to excite the people to rebel againft the juftice of the fentence; he called them unfair accounts printed in papers devoted to the party they efpoufed, as for inftance, one of thofe printed newfpapers alledged that the Lord Advocate fpoke for two hours and a half, and in giving a regular detail of his fpeech they confined it to two fhort pages, while to Mr. Muir's fpeech there was an *ad libitum* of paper. He thought it requifite to fay thus much, and to declare that whenever the noble Earl who made the motion thought proper to bring in legal form the conduct of the Court of Jufticiary before the Houfe he was prepared to meet him, but he trufted that their Lordfhips entertained too high a fenfe of their own dignity to combat newfpaper reporters, and found any motion on that vague, and as it appeared, felf-interefted mode of intelligence. God forbid, faid the noble Earl, that the Judges of this country, whether in Scotland or England, were to have their characters weighed for public infpection by Editors of newfpapers: Juftice would then be, as in France, at the mercy of interefted individuals. To the prefent motion he fhould therefore give his moft decided negative, and notwithftanding what the noble Lord faid of his certainty of carrying that motion, if common fenfe prevailed, the noble Earl would ftand alone.

The Duke of NORFOLK could not agree with the noble Earl in the way he had brought the queftion before the Houfe. Had the fact, with refpect to the admiffion of evidence of things not contained in the indictment, been brought before them by petition, and fupported by affidavit, he fhould have thought it his duty to go into the inquiry, but he could not entertain it as brought forward in the motion.

The Earl of LAUDERDALE faid, he had endeavoured to perfuade the noble Lord not to bring forward the important queftion in a way in which, by the orders of the Houfe, it could not be entertained; and even now he hoped he would withdraw it, only that it might be brought forward in a more regular way; if he perfifted in it, he fhould only decline voting at all. But as the motion was made he would juft fay, that it was no wonder that thefe trials had produced fo much public emotion, and had fo warmly interefted the feelings of mankind, fince, that men in Scotland fhould be tranfported to Botany Bay for fourteen years for what in England had raifed others to the moft fplendid fituations, was certainly calculated to excite furprife and even more unpleafant fenfations. Nor would it efcape their obfervation that there muft be fomething extremely harfh in the law of Scotland, which fhould inflict a punifhment of fourteen years tranfportation for the fame offence which in England would fubject a man to no more than twelve months imprifonment. But though he, by no means, meant to go into the merits of the queftion, or, at this particular period, to give it a full and conclufive difcuffion, he could not but obferve, that there was fomething peculiarly fevere, with refpect to thefe gentlemen; the very publications which were the object of the profecution, were flipped from their pockets, and procured in this fhameful manner, and were made the foundation of their trial. The noble Earl (Mansfield) has told the Houfe, that my noble friend's information has been derived from a polluted fource; the printed Report of a partial pamphlet or newfpaper: the noble Earl is wrong, if he fuppofes all the Reports on thefe trials are fimilar; he could fhew the noble Earl fome editions, which leaned clearly and entirely to one fide; but even they did not contradict the ftatement of his noble friend (Stanhope;) there were circumftances which attended thefe trials, which he hefitated not to fay, were moft dreadful in their nature, and which he contended, reflected no fmall difgrace on the jurifprudence of Scotland; he alluded, he faid, to witneffes, who were produced againft the pannel, being threatened with imprifonment for life, if they did not difclofe every thing required by the Court of Jufticiary. He made fome allufion, on a former night to this fubject, and he then told the

Law Lords of this country, that they would have opportunities of defending the conduct of the Court of Justiciary. With respect to official proofs which were necessary to be brought in support of any measure that was agitated in that House, there would be perfect grounds for the only proper motion which he thought could come before them on the subject. The record of the conviction and sentence could be laid upon the table, upon which to ground an inquiry into the legality of the sentence. This was the proper motion in his opinion, and this would certainly be brought before them. He would, on a future day, go more at large into the proceedings of the Scotch bar, but he would not at present provoke a discussion; he had repeatedly urged the noble Earl not to bring forward this motion at this time, and in this shape. Since the noble Lord had persevered, he hoped he would now withdraw, and not require a division; but if the noble Lord should take the opinion of the House, he certainly would not vote against him.

The Earl of COVENTRY rose, and said a few words against the motion of the noble Earl, but chiefly confined himself to the ground of its informality.

The LORD CHANCELLOR said, that in the situation in which he stood, it became him to deliver a few words on the most extraordinary motion he had ever heard. For, granting even that there had been in the cases alluded to, a mis-trial, that any doubts were entertained of the legality of any part of their proceedings, that the verdict of the jury had not been justified by the evidence, that the conduct of the judges had in any degree been founded in misapprehension of the case, that there had been a misapplication of the law, or, in short, if there had been any thing irregular in the trial, verdict or sentence, there was a remedy provided by the Constitution, for bringing the whole into revision. But who ever heard of a single instance of an address being moved for in this House, to pray His Majesty to postpone the execution of a sentence? Nothing was more certain than that human judgement might err; and not a year, not an assize, not a term almost passed, without instances of cases being brought into that state, when one judge was happy to have his judgement revised by his brothers, and when, by more deliberate discussion of a question, any error into which he might have fallen might be corrected, to the case and remedy of the parties concerned. Cruel and hard would be the situation of a judge, if such means were not given him, of retracting any misapprehension or error into which he had fallen. What was the way in which this was to be done? By the person, who stood convicted by a jury of his country of a crime, humbling himself before the Throne, and present-

ing a petition ſtating the hardſhip of his caſe, and praying His Majeſty to interfere with the gracious exerciſe of his prerogative. It certainly was not unfit that a perſon upon whom a verdict of guilty was ſo paſſed by his country, ſhould ſo humble himſelf before the Throne; in truth it was not humbling, it was becoming, that a man againſt whom ſuch a ſentence lay ſhould preſent his caſe in terms of ſupplication. Was it ſo here? Had any petition been preſented by the perſons tried in Scotland? No ſuch thing. He could take upon him to ſay, that ſuch was the anxiety of thoſe whoſe duty it is to advice His Majeſty in that to which his own diſpoſition ſo conſtantly leads him, for the clear aſcertainment of the legality of the ſentences in queſtion, that though no petition had been preſented by the parties, an inquiry had been made; and he would take upon himſelf to ſay, that when this paper ſhould be laid before their Lordſhips, they would ſee that no pains had been ſpared to determine whether any circumſtances had occurred either of irregularity in the trials, or of illegality in the ſentence. It was not neceſſary for him to volunteer the production of this paper; but if ever their Lordſhips ſhould think proper to entertain an inquiry into the caſe, he would pledge himſelf that they ſhould find the conduct of the judges of Scotland had been ſuch as their Lordſhips would always deſire to find in men entruſted with functions ſo important. He avoided any more ſounding and extravagant terms of praiſe, becauſe he wiſhed not to enter into eulogiums that might be thought overſtrained. A man who affected to defend the Adminiſtration of juſtice in Venice was puniſhed by the government for his officious zeal, for they ſaid the juſtice of Venice would defend itſelf. The noble Earl had referred to reſolutions of that Houſe, as a ground for arraigning the proceedings on the trials. The Scotch Judges neither could know officially, nor be guided by any reſolutions of that Houſe; they could act only by the practice of their own Court, and it was certain that all the inſtances quoted by the noble Earl were clearly within ſuch practice. The Lord Advocate had a right to prove facts collateral with the main fact, though not ſpecially ſtated in the indictment. With reſpect to the miſnomer, though ſuch an error would be fatal in the ſtrict proceedings of the Engliſh Courts, it was not ſo in Scotland: it was their doctrine that the identity of a perſon was better proved by his joining iſſue in the trial, and thereby acknowledging himſelf to be the perſon meant, than by being perfectly correct in the ſpelling of his name. In the ſame way with reſpect to the challenges, nothing could be more abſurd than the grounds on which they were made. To challenge jurors becauſe they had entered into aſſociations, was in fact to chal-

lenge all that was respectable in the country, for almost every man of rank or respect, had at that time associated for the purpose of supporting the Constitution. In short, all the objections which had been made on these trials properly over-ruled, were something in the nature of the speech of that man, who being put on his trial, said, he would swear the peace against the judge, for he had a design upon his life. His Lordship spoke with great satisfaction of the loyalty and zeal of the people of Scotland, declaring, that it was a notorious fact, that the general spirit of the country was in favour of order and government; that the inhabitants of that part of the kingdom were perfectly contented with the Administration of criminal justice that had prevailed there under the practice of the Court of Justiciary, a practice that had prevailed for near a century, with infinite ease and satisfaction to the subjects in general. He was therefore glad to find, from what had passed that day, that their Lordships felt favourably to those judges who had deserved so well of the country in general; he hoped that feeling would continue, because it was no more than the judges were amply entitled to.

Earl STANHOPE said, that he had not heard, the only thing that could induce him upon any occasion to withdraw a motion, an argument. The noble and learned Lord on the woolsack confessed, that there might be a mis-trial, and that in case of a mis-trial there was a legal remedy. And what was the legal remedy? That a person unjustly condemned must humble himself before the Throne. And this is the boasted justice of England! He trusted that no man would be base enough who felt conscious innocence to humble himself; nor was it very becoming the dignity, either of national justice, or even of royal prerogative, to expect of an injured man such submission. He had done however good by his motion, for he had drawn from the noble and learned Lord on the woolsack a declaration, that, on the question being represented in the shape of a petition, the remedy would be obtained. (The Lord Chancellor in an under voice, signified his dissent from this statement of his words.) The noble Lord then means to say, that there will be no remedy; he advises a petition, but declares at the same time that a petition is to be of no avail. My Lords, I persist in my motion, and I shall divide the House if I stand alone; I do not care with how many or with how few I divide, but I will never give up the principle that it is better to prevent an evil, than afterwards to repent of it. What, then, my Lords, is there to be no other probable chance of obtaining justice in this country, but by petition? Must the injured prisoner brook and fawn to Ministers, for that justice to which he is entitled? Has he no other way left to prevent his transf-

portation to foreign countries, his being banifhed from his friends, and degraded like a criminal? if nothing will be liftened to but petition, talk not to me of liberty; Scotland there is none. Is this the language to be ufed in a free country? When we come forward here and ftate oppreffion, will you, who are the guardians of the people's happinefs, turn from the inquiry? If we reject paying every attention to their caufe, we difcharge not the facred duty repofed in us—it is for this purpofe we hold thefe feats in the Houfe."

Lord THURLOW faid, that he perfectly agreed with the noble and learned Lord on the woolfack, that nothing was more becoming their Lordfhips' wifdom and prudence, than to be careful how they gave countenance to reflections rafhly thrown out on the administration of criminal jurifprudence. It was of the utmoft confequence to the good order and well-being of the country; and indeed its profperity depended on the confidence which men had in the purity with which our laws were adminiftered. Their Lordfhips would therefore be always indifpofed to any motion of cenfure, made lightly, againft Judges; and he could not help faying that the prefent motion, from the manner in which it was made and fupported, was of that fort, for the noble Earl had referred their Lordfhips to 4 acts, reverfing judgements of attainder paffed in the year 1689. Their Lordfhips would recollect the period at which thefe acts had paffed; it was immediately after the revolution, when a very juft and violent ferment exifted generally in the minds of the people, in confequence of the moft cruel, vindictive, and unprincipled Adminiftration of juftice, that had ever been practifed in any country. Would it be fit that their Lordfhips fhould now make a refolution, grounded on an analogy between the judgements lately paffed in Scotland, and the proceedings which thefe four acts reverfed? The natural confequence of fuch a refolution would be, to difturb the confidence which men had in the adminiftration of juftice, to deprive the Magiftrates of the juft authority which they ought to poffefs in the exercife of their functions; and would upon the whole be attended with moft ferious calamity to the kingdom at large. He moft perfectly agreed with the noble Earl in the general doctrine which he had laid down with refpect to criminal accufation.—Whenever a man was charged and put upon his trial for a criminal offence, every tittle of that offence ought to be fet forth and precifely defcribed in the indictment, fo as to be previoufly made known to him, that he might prepare his anfwer and defence; and it was equally a clear and manifeft principle in criminal jurifprudence,

that no one article should afterwards be added, so as to take the defendant by surprise. And this was not only the uniform and constant practice of the criminal courts in England, but it was also a principle generally in the law of Scotland. In one particular instance in the criminal law of Scotland, that which in their law is called art and part, and which is equivalent to what in England we call accessary before the fact, a greater degree of generality and looseness was permitted, than is suffered in England, or than in any other part of the Scots criminal law. This was done by an act of James VI. the preamble of which set forth, that, whereas it was difficult to prove the crime of art and part, if the same precision in the statement of facts was required that was necessary for other species of guilt, it permitted them to charge art and part generally without enumerating the particular facts that constituted the *corpus delicti*. It was fit, for the better understanding the question, that their Lordships should know the manner in which the indictment was made up in the Scots proceedings. The indictment begins with setting forth the *corpus delicti*, which they call the major proposition of the syllogism, and this is alledged generally; it then proceeds to the minor part of the syllogism, in which are enumerated all the facts, which if proved, go to constitute the general charge, or major of the proposition. This *corpus delicti* the Judges first found: that is, they declared whether they found the charge was relevant, and whether, if the facts of the minor proposition were proved, it amounted to the species of crime libelled in the major part of the syllogism, and inferred the punishment belonging to such crime. The Judges having found the relevancy, referred the whole to the Jury, who had to decide on the whole case, and who, from the evidence were to find a verdict accordingly. The criminal law of Scotland in this case had never been, according to the Scots Judges, what had been supposed to be the law of England in certain questions. It was impossible to deny with Sir George Mackenzie, whose name deserved much higher praise, and more respectful treatment than it had lately met with, that there was a degree of harshness in charging a man generally as art and part in a crime, without specifying the facts which constituted the crime; but until he should hear that a defendant had applied to the discretion of the Judges for relief, from actual hardship under the severity of this statute, and that they had refused it, he certainly should not consider it as a charge against the Judges, that a person had been so tried. It was the statute law of the land, and the noble and learned Lord on the woolsack had truly said, that the question was not whether the law itself was severe or not. With respect to the observation

of the noble Earl, that a misnomer in the case of one of the persons had not been permitted to operate in his favour; to this, he said, that undoubtedly in England, if pleaded, the indictment would fall to the ground; but in Scotland less strictness was required; and whether our strictness or their looseness was most favourable to substantial justice, he would not stop to inquire, for the question was, whether they had acted conformably to their own practice. So far as he could judge from what he had read of the proceedings on the trial, the Counsel for the defendant seemed themselves not to have persisted in the objection, probably because they knew, as indeed it had been thrown out by one of the Judges, that by the practice it would have only occasioned a new indictment, and given an interval of 15 days. In examining a question of this nature, he declared that he was to be guided in his judgement by no regard for persons; though it was impossible but that he should have respect for those persons, for some of them, such as acquaintance would naturally produce, and for all what was due to men of worth and integrity; but that a question of this sort should certainly be discussed without any influence from personal considerations. The specific crime charged on the gentlemen whose cases had produced this discussion, was that of verbal sedition, which seemed by the Scots Judges to be considered as an offence at common law, an opinion, which in the state and limits of his knowledge, it would be presumptuous in him to controvert, though it seemed to him from all that he had read, or had been able to collect on the subject, had no higher origin than the statute of James I. against leasing making, as the statutes of Edward I. and of *scandalum magnatum*, were the foundation of our law of libel. The term verbal sedition was indeed improper, because figurative and metaphorical; the true crime of sedition was well defined and understood in the Scots law, and clearly answered to what were here called routes, or unlawful assemblies, where the people were stirred up to riotous acts against the peace, and which in both countries was clearly distinguished from the crime of high treason, which required either an overt act of compassing the death of the King, of levying war, &c.—This act of James against leasing making had subjected the criminal to capital punishment; but by the 3d of Queen Anne, enumerating all the former statutes, it was reduced to the level of what in England we called misdemeanor, and restricted to an arbitrary punishment of fine, imprisonment, or banishment. If these persons had been tried in England for the same offence, they would have been tried for misdemeanor; and if convicted, would have received the sentence commonly annexed to such guilt. What particular circumstances there might be in

the temper and disposition of the people of Scotland, in the nature of the case, or in the general state of the kingdom, to induce the Judges of Scotland to inflict the very severest sentence within the grasp of their discretion under the act of Queen Anne; whether that act gave them any such discretion, or what additional latitude they conceived to derive from the act of the 25th of his present Majesty, it was not for him to determine; nor indeed was it the business of this day to inquire. It was always his wish to believe that Judges acted with a sound discretion. It was idle to say, however, that lapses did not occur to Judges, and that errors were not incident to all human tribunals, as well as to all human conduct; Judges would be placed in a most unfortunate situation, if opportunities were not furnished them to revise and re-consider their conduct, so that they might not persist in error. The noble and learned Lord on the woolsack had truly said, that in all cases where the Judges had either mistaken the law or abused their discretion, the becoming and constitutional course was, for the persons aggrieved to petition His Majesty for redress; whose gracious inclination and undoubted prerogative it was, not only to temper the harshness of legal judgements, but to prevent the erroneous decisions of his courts of criminal justice from being injurous or oppressive to his subjects: and nothing was so wise as the gracious exercise of this prerogative, for it tended to preserve that confidence in the due administration of the laws, which was so necessary to the well-being and order of society.—The noble and learned Lord concluded with a general and well understood allusion to the late prosecutions for seditious words; nothing was more necessary in every well-ordered society, than that its Magistrates should be treated with respect. Contumelious expressions therefore against Magistrates, and most particularly against the person of the King, constituted a heinous and justly punishable offence. How was this respect to be enforced? Surely by the vigilance of the proper officer, who should take care that no case of notorious turpitude should ever be suffered to pass without exemplary and condign punishment; but it was equally the duty of the public prosecutor and of Judges to take care that the course should be direct and open—that the public mind should be satisfied with the conduct of the prosecution, and that upon conviction the punishment should be *secundum modum delicti*, according to the nature and degree of the offence; that no such repugnance should be exhibited, for instance, as would occur if the punishment due to felony should be inflicted on misdemeanor, "For, my Lords," said he—"it should always be recollected, that whatever may be the momentary ferment and even intemperance of the people, and however by the influence

of prejudice, they may for a while tolerate and even applaud sentences not truly measured by the crime, nothing can be more manifest than that when this emotion shall cease, more will be lost by the deliberate judgement of mankind, to the due energy of laws, the dignity of magistracy, and the ultimate stability of Government itself, than any ascendant or strength to be gained for the time by such victories."

The question was then put on the motion for the address on the case of Mr. Muir, and as Earl Stanhope persisted in taking their sense by a vote, they divided,

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PROTEST.

Die Veneris, 31 *Jan*. 1794.

The order of the day being read for the Lords to be summoned,

It was moved, that the several entries in the Journal of the 8th, 10th, and 13th of June, 1689, relative to the bill intitled "An act for reversing the attainder of Henry Cornish, Esq. late Alderman of the city of London," be now read.

The same were accordingly read by the clerk.

Then it was moved, That an humble address be presented to His Majesty, humbly to represent to His Majesty, that this House has been informed that Thomas Muir, Esq. who was tried before the High Court of Justiciary, at Edinburgh, in the month of August last, upon a charge of sedition, has been condemned and sentenced to be transported beyond seas for the space of fourteen years; and further to represent to His Majesty, that this House intends to proceed without delay to examine the circumstances of such condemnation and of such sentence; and therefore humbly to beseech His Majesty, that the said Thomas Muir, Esq. may not be transported beyond seas, until this House shall have had sufficient time to make such examination.

Which being objected to. After debate,

The question being put thereupon, it was resolved in the negative.

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Dissentient. 1st, Because the attending to the due administration of Justice, and the watching over the conduct of the various Courts in this kingdom, is one of the most important branches of the business of this House, and is at all times also one of its most essential duties.

2dly, Because it obviously appears to be proper to examine into the justice and legality of a sentence, before it is executed, and not to permit it to be executed first, and then to examine into its justice and legality afterwards.

3dly, Because, for want of such timely interference on the part of this House, it has formerly happened, that, within a short time, no less than four unjust and illegal judgments were actually carried into execution, as appears from the respective attainders of the innocent sufferers having been afterwards reversed and made void (when it was too late) by four acts of Parliament, made and passed in the first year of the reign of their late Ma-

jesties King William and Queen Mary, namely in the cases of Alderman Cornish, Alice Lisle, Algernon Sidney, and Lord Russel.

4thly, Because it is contrary to the first and immutable principles of natural justice, that any thing to the prejudice of a defendant should be brought before a Jury in a criminal prosecution, that is "only collateral, not in issue, nor necessary in the conclusion."

5thly, Because it is not (nor ought to be) competent for the Prosecutor to produce any evidence to support any matter that is not charged in the indictment; that is to say, distinctly and precisely charged, and not by mere epithets or general words, such as oppression, sedition, vexation, or the like.

6thly, Because in like manner it is not, (nor ought to be) competent for a Prosecutor to produce any evidence to prove any crime to have been committed by a defendant, in any other particular than that wherein it is in the indictment expresly charged to have been committed.

7thly, Because no such proceedings as those above stated, nor any of them, can be justified under pretence, that "If it had been necessary to "specify in the indictment all the facts against the defendant, the indict-"ment would have covered, by its magnitude, the walls of the Court." And

8thly, Because in one year of the trial of Warren Hastings, Esquire, namely in the year one thousand, seven hundred, and ninety, there were no less than four decisions of the House of Lords upon this subject, viz. on the twenty-fifth day of February, when the Lords resolved,

"That the Managers for the Commons be not admitted to give evidence "of the unfitness of Kelleram for the appointment of being a renter of "certain lands in the province of Bahar: the fact of such unfitness of the "said Kelleram not being charged in the impeachment."

And again on the 4th day of May, when the Lords decided,

"That it is not competent to the Managers for the Commons to put "the following question to the witness upon the seventh article of charge, "viz. Whether more oppressions did actually exist under the new insti-"tution than under the old?"

And again on the 18th day of May, when the House of Lords resolved,

"That it is not competent to the Managers for the Commons to give "evidence of the enormities actually committed by Deby Sing; the same "not being charged in the impeachment."

And again on the 2d day of June, when the Lords resolved,

"That it is not competent for the Managers, on the part of the Com-"mons, to give any evidence upon the seventh article of the impeachment, "to prove that the letter of the 5th of May, 1781, is false, in any other "particular than that wherein it is expresly charged to be false."

The said divisions of the House of Lords are founded upon principles not peculiar to trials by impeachment. They are founded upon common sense, and on the immutable principles of justice. In Scotland those principles are peculiarly necessary to be adhered to, inasmuch as by the laws of that part of the kingdom, a defendant is obliged to produce a complete list of all his witnesses in exculpation, the day before the trial. That alone appears to me a considerable hardship. But if, after such list is actually delivered in by the defendant, any facts (or supposed facts) not particularly set forth as crimes in the indictment, may, on the following day, for the first time, and without notice, be suddenly brought out in evidence upon the trial against the defendant; such defendant, from such

an entrapping mode of trial, may be convicted, although innocent. Such proceedings (whether supported or unsupported by any old Scotch statute passed in arbitrary times) ought, I conceive, to be revised. For, in a free country, there ought not to be one mode of administering justice to one man, namely, to Mr. Hastings, and an opposite mode of administering justice to another man, namely, to Mr. Muir.

STANHOPE.

Wednesday, 12th February.

The Marquis of LANSDOWN said, he had come down to the House the two last days at the usual time of doing business, but had found it adjourned; he was, however, glad to find his intentions had been anticipated by a noble friend of his, by moving for their Lordships to be summoned on Friday next; on which day he should submit a motion to their consideration, for bringing the war to a termination, founded on those principles he had declared on the first day of the session. He had encouraged a hope that some steps would have been taken to restore peace to this country; but understanding, from the extensive preparations that were making both at home and abroad, that it was the intentions of Ministers to carry it on upon a more extensive scale, he could not refrain from endeavouring to persuade their Lordships to agree with him in praying His Majesty would not allow the form of Government in France to prevent a treaty for peace, whenever it could be obtained upon safe and honourable terms.

Thursday, 13th February.

Their Lordships proceeded to Westminster Hall, to the trial of Warren Hastings, Esq.

Friday, 14th February.

The order of the day having been read for their Lordships to be summoned,

The Marquis of LANSDOWN said, he was extremely sorry to have given their Lordships the trouble of having come down to the House that day, more especially as he was obliged to put off his motion on account of having received intimation from a noble Lord, high in office (Lord Grenville,) that it would be inconvenient for him to attend, on account of business of public importance. The Marquis said, that he was happy at all times to accommodate Ministers, who, God knew, had enough upon their hands in times like the present, a period so big with difficulty and danger, that there was no occasion to add to the weight of responsibility with which His Majesty's servants were already loaded. For his part, he was

ready to give them every accommodation that he possibly could give, short of a due discharge of his duty to the public at so very important a crisis. He wished therefore that it would be generally understood that the motion of which he had given notice would come on on next Monday.

Lord GRENVILLE declared, that the noble Marquis had been perfectly accurate and correct in his statement of the reasons which had induced him to put off his motion. He had found it necessary to send a note to the noble Marquis to request it, for the reasons which had been already stated, and the noble Marquis had readily complied, for which he begged to take that opportunity of expressing his sense of it. Lord Grenville assured the House, that he was extremely desirous of meeting every question of public importance with as little delay as possible, but most especially a question of the interesting and important nature of that, which it was understood the noble Marquis meant to propose to bring under discussion. He begged leave farther to assure them, that nothing but public business of a pressing and indispensable nature could have induced him to wish the discussion of the noble Marquis's motion to be delayed for a single moment.

The Earl of MOIRA rose, and begged their Lordships attention. He said, he had not taken the liberty of moving for the House to be summoned, because he had conceived that if the debate which had been expected, had come on that day, he might in the course of it incidentally have availed himself of the opportunity, and stated all he wished to say in consequence of some discussions (respecting a matter in which he had an immediate personal concern) that had taken place in another Assembly. The debate having gone off, he would take advantage of the occasion of being present, and enter into an explanation of matters, which from the manner in which they had been treated elsewhere ought to be correctly understood. His explanation would necessarily draw him into some degree of detail, but he would endeavour to be as brief as possible. Early in the summer he had been sent for to town, and offered the command of an expedition not immediately to be undertaken. He readily gave his consent, and accepted the proposition. He was afterwards sent for again to town, and desired to take the command of a different service (to adjust and succour the army of the Royalists) immediately to be commenced. Having given his consent to undertake the first command, he could have no objection to the second. He accepted it therefore, and prepared without delay to execute the object of Ministers. On the 17th of November he was honoured with His Majesty's commands, and the Friday following he had

fettled all his arrangements, and fet out for Portfmouth. Owing merely to accident of wind and weather, the frigates and tranfports could not come round, and the fleet did not fail from Portfmouth until the 1ft of December. While at Portfmouth, and previous to his failing, his Lordfhip faid, His Majefty's Minifters had received information of a meeting held by perfons deputed by Minifters to the army of the Royalifts, at Doll in Normandy, who had agreed upon a plan of operation; but owing to the difficulty of intercourfe, it fo happened, that the information did not reach His Majefty's Minifters till fifteen days afterwards, the 25th of November. By that information, it was fettled what fignals were to be made by the Englifh fleet on their arrival upon the coaft, for the purpofe of directing the troops where they thought the defcent moft practicable, and a variety of other matters were adjufted. On the 1ft of December they failed, and early the next morning they made the coaft of Cherbourg. He ran down the coaft for a confiderable extent, hoping to find the Royalifts in the force that had been reprefented to him; but not one of the concerted fignals, though repeatedly made by the different fhips, was anfwered from the fhore. Not knowing how to account for this circumftance, and in obedience to his orders, he proceeded to Guernfey, where, in confequence of contrary winds, he did not arrive till the 25th. His Lordfhip defired the Houfe to attend to the dates which he had occafion to mention, becaufe the whole of his explanation refted on accuracy in that particular. While at Guernfey, he difpatched a number of emiffaries in fearch of the Royalift army. He at length learned that the Royalifts had made an attack on Granville, but had been defeated, and had retired to the banks of the Loire. All the French journals and newfpapers however ftated, that one column of the Royalift army had directed its courfe towards Caen in Normandy. His Lordfhip faid, that on confidering the port, which the Royalifts had named as the port for him to make, he found that from the peculiar difficulty of accefs and from other circumftances it would be impoffible for him to throw fuccours into it; he therefore by his emiffaries had fent word to the Royalifts of the doubts he entertained of being able to effect the purpofe agreed on, and had directed their march to another point. While at Guernfey a ftorm arofe, that feparated from him half his fquadron and troops. Conceiving, neverthelefs, that the faith of the Britifh Government was pledged to the army of the Royalifts, he thought it his duty, be the event and confequence what they might, to lend them every poffible fuccour, which his reduced force could adminifter. Under the impreffion of this idea he put to fea, and after he had left Guernfey he appointed the

French ſtaff, which had been rendered the ſubject of diſcuſſion in another Houſe of Parliament. He begged their Lordſhips to recollect the point of time when this appointment was made, while he was expecting to land on the coaſt of France immediately, and when he meant not to join his army to that of the Royaliſts, but to engraft the Royaliſts forces on thoſe which he had under his command. When he expected, the moment he landed, to have proceeded to battle, to find the Royaliſts diſpirited by defeats, and to have to lead them on to inſtant conteſt, it was impoſſible therefore for him, with any regard to prudence, to truſt to the chance of ſubſequent opportunity. He appointed the French ſtaff as he had ſtated, and it conſiſted of two Aids-de-camp, a French Secretary, and a Quarter-maſter General. In having appointed this ſtaff, he had no heſitation to ſay, that he had not been authoriſed by His Majeſty's Miniſters; he conceived that the nature of his command neceſſarily veſted him with a degree of diſcretion adequate to the object of the deſtined ſervice. If, however, it ſhould be thought by His Majeſty's Miniſters that he had acted improperly, he deſired diſtinctly to be underſtood, that he took the expence upon himſelf, and that Miniſters might, if they pleaſed, upon the winding up of his accounts, deduct the whole amount of the expence. Another matter brought into diſcuſſion in the other Houſe of Parliament, he underſtood had been, that he had appointed French Artilleriſts. The fact was, that the Council who directed the operations of the Royaliſt army had ſtated to our Government, that they had plenty of cannon, but that they really did not know how to make uſe of them effectually for want of proper Artilleriſts. Conſidering that the French had rendered themſelves ſo formidable in the field by means of their artillery, his Lordſhip ſaid, he thought the circumſtance worth immediate attention. He wrote without delay to Flanders, begging that the army in that quarter would ſupply him with as many Artilleriſts as they could well ſpare. His requiſition was inſtantly complied with, and as ſoon as they arrived they were put upon allowance, but their allowance was not included in any pay-liſt. What could he do leſs with men, whom he had ſent for, from an army in which they were entitled to conſtant pay? After ſending for them, it would be the height of injuſtice to have turned them adrift, or abandoned them altogether. He was ſorry to ſee, that among the obſervations made on this matter elſewhere, the names of the French officers had been called for. If it had occurred to any gentleman in either Houſe to what danger he expoſed the officers in queſtion, their relatives and connections in France, he was ſure he would not have agitated the ſubject, at leaſt not have

desired their names. He was not a little surprised, that reflections of the sort to which he alluded, had not suggested themselves to gentlemen in general. Possibly these officers might themselves with disdain and contempt smile at any disclosure of their character, situation, and circumstances, that could be made; but let it be recollected, that they had wives and children in France, whose very existence depended on their public conduct. Possibly they might have mistakingly pursued an improper conduct in the first æra of the revolution; but whatever might be the sum of their errors, they had amply atoned for all their misconduct. God knew, they had seen the measure of their sufferings fully filled, and let it not be said, that the hand of an English gentleman directed a dagger to their breast, to increase their pain by adding another wound to the many under which their sensibility was already agonizing.

The Earl of LAUDERDALE said, it was not his intention to detain their Lordships without any motion being before the House; but he thought it necessary to rise, in the behalf of those, who in another House of Parliament had agitated the matters referred to by the noble Earl, in order that when the noble Earl thought it necessary to favour their Lordships with the explanation which they had just heard, he might take the same opportunity of declaring, that it had never occurred to an honourable friend and relation of his in another place to investigate the time, the motives, or the principles on which the noble Earl had appointed foreigners on the staff of his army. He gave so much credit to the high military [illegible], known ability, and great talents of the noble Earl, that [illegible] imagine he would take any measure of a strong nature, [illegible] able upon the face of it, without being able to assign [illegible] for his conduct. Neither was his honourable friend [illegible] actuated by a wish to depreciate the merit of the French officers [illegible] question, much less to draw down upon their relatives and connections in France the melancholy and fatal consequences alluded to by the noble Earl, which he as much as any man must dread and deplore. Had those who spoke upon the subject elsewhere, received as candid and as liberal an answer from Ministers to a plain question put to them in a way perfectly parliamentary, as the noble Earl had just given, sure he was, that they would have been satisfied, and the matter would have been set at rest. But Ministers, so far from deigning to afford the least information on the subject, had affected an offensive and insufferable hauteur, and persisting in a sullen and mysterious silence, would not give a single word of answer, and thence had excited those constitutional jealousies and suspicions, which a short and immediate explanation would have prevented. His Lordship

reminded the Houſe of the critical and dangerous ſituation of public affairs, and obſerved that at ſuch a moment it became Members of Parliament, and moſt eſpecially Members of the other Houſe, to watch every public tranſaction with the moſt jealous attention, and to ſhew themſelves ſenſibly alive to every matter that bore the appearance of infringement either on the laws or the Conſtitution.

Lord GRENVILLE ſaid, he was far from meaning unneceſſarily to go into a debate ſo irregularly as when there was no queſtion before the Houſe; but he muſt beg to be allowed to expreſs the high ſenſe he entertained of the very maſterly conduct of the noble Earl, who in ſo fair, ſo liberal, and ſo manly a manner had taken upon himſelf the reſponſibility for a line of ſervice, as wiſe, as able, and as judicious as ever had been adopted in a truſt of ſuch importance. But liberal as the noble Earl had been that day, he muſt allow others to lay claim, in ſome ſort, to fairneſs and liberality, and to take upon them the whole of the reſponſibility, ſo handſomely claimed by the noble Lord for the meaſures he had purſued. Lord Grenville declared, he ſpoke for himſelf and in behalf of His Majeſty's Government in general, when he deſired to be conſidered as fully reſponſible for every part of the tranſaction ſtated by the noble Earl. With regard to what had paſſed in another place, perhaps if thoſe, who had there brought the matter under diſcuſſion, had given themſelves time to make thoſe reflections which the noble Earl had ſo properly hinted at, as the probable conſequences of three inquiries they had ſeemed deſirous to provoke, they would from motives of humanity have forborne.

The Earl of GUILDFORD ſaid, the Houſe might be aſſured, that he would not attempt to ſpeak long, without a queſtion to argue upon; but he could not help ſaying, that he differed totally from the noble Lord, high in office, as to the impropriety of perſons in another Houſe of Parliament taking notice, as ſoon as they heard that foreign officers were put upon ſuch an eſtabliſhment in a Britiſh army as entitled them to receive pay while in England. There could not be two opinions relative to the illegality of landing foreign troops in England, without the knowledge or conſent of Parliament. But with reſpect to the ſubject in queſtion, had the ſame fair and liberal explanation as the noble Earl had favoured the Houſe with, been given by Miniſters elſewhere, all farther inquiry would have ceaſed. There could not exiſt in any man's mind a wiſh to provoke or induce the fatal conſequences alluded to by the noble Earl; but the explanation once given, there could ſcarcely remain a difference of ſentiment on the ſubject.

The order of the day was difcharged, a new order made for their Lordfhips to be fummoned for Monday, and the Houfe immediately adjourned.

Monday, 17th February.

The Marquis of LANSDOWNE faid, My Lords, I do affure your Lordfhips that it is with no perfonal fatisfaction I rife to make the motion which I now hold in my hand. I would have infinitely preferred to fee it come from thofe whofe information on the fubject, and whofe influence in this Houfe would have infured its fuccefs. I would have particularly wifhed to have feen it in the hands of Minifters, becaufe I am anxious only for the object, and have no perfonal feeling to gratify. I have deferred it, in hopes, at leaft, that it would have been taken up by fome Lord of more eminence, and of more confideration than myfelf; and I fhould have been happy to have feconded it, come from what quarter it might, without any regard to party or faction; happy I fhould have been to have allowed to them all the gratitude which it would have excited in the breafts of their country; for, however high the tone and language of men may be for a moment, I am convinced that the real fentiment of the kingdom is in favour of peace, and that they who fhould be the means of obtaining that bleffing, would cordially receive the thanks of every thinking man. I fay, then, my Lords, that I fhould have been ready to fupport any noble Lord who fhould have made the motion; and I have deferred it fo long only in hopes of having feen it in other hands. But inftead of this, feeing the immenfe preparations that are making for a continuance of the war, feeing the volume of engagements into which we have entered with foreign Powers, the enormous arrangements that are making in every department, and the folemn declarations that we have made, and are daily making, of perfeverance, I do think it high time that your Lordfhips fhould deliberate for one moment, in order juft to inquire into the caufe and the object of our purfuit. I do not mean, my Lords, to exaggerate the calamities to which the war has given rife; I do not mean to excite any fpirit of difcontent. I mean to draw your Lordfhips to a cool and temperate reflection on the crifis. I will endeavour to avoid every thing that looks like afperity of obfervation, all harfhnefs of language, all violence of debate; I will not for a moment detain you by any animadverfion on the conduct of the war, though undoubtedly if the war is to be perfifted in, its conduct muft undergo your fcrutiny; but it is my defire to confine myfelf to the prefent ftate of things, and to draw your Lordfhips' attention to this fingle fubject—what is the object

of the war, and what are the means by which we hope to accomplish it? Though undoubtedly other noble Lords would have been able to have entered into the consideration of this topic with more ability than myself, yet I trust that you will pay attention to my facts, whatever indulgence you may give to my arguments, and my reasoning on them; for, my Lords, if ever there was a subject that called for the deliberate attention of mankind, and particularly of your Lordships, as you involve by your decision the fate of millions, it is the present. I will not enlarge in the shape of declamation; I will not address myself to your passions: but what, my Lords, must be the feelings of a burdened nation, when they see thirteen millions of money voted by their representatives, towards the continuance of this war, without even a single consideration being taken of the merits of the cause, when they see this done on the mere pretext of a French pamphlet! Such is the melancholy fact; for though Ministers have already, in the short sitting of the present session, drawn this sum from the pockets of the people, all the grounds upon which they have gone, all the arguments they have used, all the explanations they have given to their country, are extracts from a French pamphlet. They have laid, indeed, bundles of papers upon the table, subsidiary treaties with foreign States, which may be called bonds, judgements, and mortgages on the estate of every man in this country; but without entering into any examination of the principles on which it is undertaken, or the object which is in view, other than a few comments on the pamphlet of M. Brissot. My Lords, the people of Great Britain are not likely to think the sentiments of a single individual, and that individual the member of a faction that was crushed at the time of his writing, a good ground for perpetuating the horrors of an unexplained war. The faction of Brissot was overthrown, as the present faction may be overthrown; and inflammatory pamphlets, by the partisans of each successive faction, may furnish pretexts for the continuance of hostilities, if such wretched pretexts are to be considered as legitimate grounds of war. After two campaigns, the last of which has been, in truth, the most disastrous, both in the effusion of blood and in the waste of treasure, that the modern world has suffered, it will not be unworthy of your Lordships to pause for a moment, and, before you involve Europe in the horrors of a third, to inquire into the success of the past. I speak the heartfelt sentiment of every man of every country, that the campaigns have been as unfortunate, as to the object, as they have been melancholy in regard to the sacrifice of blood and treasure. No pompous declaration can reconcile you to falsehood. Our failure is

ascertained by mankind, and is a matter of history. It now comes therefore to be the question, whether the innumerable treaties that we have made, are calculated to turn the tide of misfortune, and to secure to us the rational hopes of success in the campaign that is to come. I have no hesitation in saying, that, as far as my feeble judgement can determine, we have no more probability of success now than before. If we are to draw wisdom from the experience of ages, your Lordships will not disdain the testimonies that have been borne, by the ablest Generals that the world ever saw, against the line of war in which we are involved. From the illustrious Duke of Marlborough, down to General Lloyd, the last officer who has written on the subject, the opinion of all the men of great military talents of Europe has been, that an attempt to penetrate France through its garrisoned frontiers is impracticable; and that it is madness so to attack it. This is the uniform, unanimous opinion of military men, and this opinion has been, most unfortunately for the allies, verified by the fate of the two last campaigns. Let us see what was the line of the war: the first attack was made by the line of Champagne; the second by Lisle; the third by Strasbourg; and these three attacks have been made under men of the greatest talents, and of the greatest military fame in Europe. Of the Duke of Brunswick it was impossible to speak in terms of panegyric too lofty; his retreat had subjected him to the most cruel reflections; it is attributed to his want of management; whereas, I can take upon me, my Lords, to say, on the concurring evidence of every military man with whom I have conversed, that his retreat from Champagne was highly honourable to his military talents. It was the natural result of an attempt to penetrate the kingdom of France; and you see that the same fate has followed the two subsequent attempts. Did Clairfayt fare better at Lisle? Has Cobourg fared better? Has Wurmser fared better? All these officers, the highest in reputation, all bred in the best military schools of Europe, have had the same fortune. I forbear to go farther, for reasons that will be obvious to your Lordships; but I might pursue the question, without any hazard of finding an exception in any of the other attempts that have been made by other Commanders; and we are now beginning a third campaign after this melancholy experience. But it seems a new officer, of middle rank, has formed a new plan, upon which all the Cabinets of Europe rest their hopes, and upon which we are again to hazard the lives of our fellow-creatures. My Lords, I will not affect to dispute with the Cabinets of Europe on the question of the new project suggested by this distinguished officer, in whom they affect to have such confidence.

Genius is undoubtedly not confined to any rank; and I have found, in the courſe of the experience that I have had in the military profeſſion, many inſtances of the high and meritorious ſervices performed by officers of the middle ranks. It certainly, however, is a received opinion in the military ſcience, that the proper ſphere of their ſervice is in operations, ſubſervient to the main deſign, where vigour and rapidity of execution are required. All the received doctrines of the military ſchool aſſign to long experience the province of deſign. It is not certainly a novel thing to find in the military profeſſion, as we find in every other profeſſion, men of ſuch zeal and warmth, as to form the moſt ſanguine plans, to undertake the moſt improbable adventures. What malady was there ever found ſo great, but ſome phyſician would be found to undertake your cure? What caſe was there ever ſo abſtruſe and intricate, but ſome lawyer would promiſe to bring you through? I am not therefore ſo much aſtoniſhed that we ſhould find an officer ſuggeſting a new plan, (Colonel Mack's new project) as to ſee the credulous avidity with which it is embraced, and the implicit confidence that is given to it. It is ſurely of conſequence to your Lordſhips, to look back to the only rational ground upon which any eſtimate of ſucceſs can be made—the experience that we have had already. We are told that Flanders has been ſaved; let us inquire into the fact: Flanders was loſt by one battle, and regained by another. If this experience is good for any thing, it ought to teach you that the fate of Flanders depends upon a ſingle battle, and that it may be loſt by the next which ſhall happen. A little of the ſecret hiſtory of the laſt campaign would alſo ſhew you, that the loſs of Flanders to the French was the reſult of the animoſities of private faction, which, there as well as here, firſt gave to Dumourier the aſcendant over one of the parties, and ſubjected him to the triumph of a another. To the animoſities of theſe factions may be attributed their failure by the defection of Dumourier. But the reſult of theſe animoſities has at length given to the Government of France more formidable power than ever was poſſeſſed by any State; and you ought to look at the conſequences which are likely to follow from your keeping up in Francee that enthuſiaſm of ſpirit and energy of execution which they at preſent diſplay. You will run the hazard of eſtabliſhing in the centre of Europe a military Republic: you will cheriſh and confirm a ſpirit, that it will be impoſſible for Europe afterwards to extinguiſh. You will give a new turn to their thoughts, a new purſuit, a new genius, a new character to the people. Lord Bolingbroke ſays in his works, that all the Spaniſh Stateſmen with whom he converſed ſaid of Philip, that they would have been able to have made him a good

Spaniard, but for the provocation which he met with, and which confirmed him French. Thus, if we persevere to goad, to attack, and to hunt the French, we shall only confirm, never to be rooted out, a military Republic in the very heart of Europe. And do not let us proudly conceive, that our combination will make us formidable, because it is opposed to a single people, when we sharpen talents by irrascibility, when we inflame the natural energies of the soul, when we call forth and rouse every faculty of nature; while every individual man becomes a God, the consequences are not to be calculated by the arithmetic of common events. And such has ever been the experience of ages. Great moments have always produced great men, and great actions. The time of conflict is the time in which Nature seems to delight in her grandest productions. From the Grecian Republics, down even to our modern history, the most resplendent powers of man have been shewn in the times of the greatest imminence. The present, therefore, is a school for Frenchmen; every youth devotes himself to the cause of liberty, and thus actively engaged on the grand scene, all the powers of his soul take a warlike direction; it becomes a fashion, and the whole of the rising generation are educated in the military art. Not, my Lords, as our youth are educated to the military art, as one only of the professions in which they may rise to eminence or distinction; but the enthusiasm of war enters into the heart only from the enthusiasm of liberty; and the whole country is taught to feel that their only occupation, their only passion, ought to be arms, because their only good, their only blessing, is independence. Such is the war in which we are engaged, and in which England has taken the lead; and has become, if I may make use of the common expression, the cat's paw of Europe; and such are the effects which our confederacy is to produce.

I wish therefore, my Lords, to draw your consideration to the point of honour, of policy, of prudence, and to demand of you, as reasonable men, and as Englishmen, whether you ought to persevere in such a war? Whether, upon the principles which are avowed, you ought to succeed, and whether by the treaties which you have made, you are likely to do so? But above all, I wish you to inquire, as Englishmen, whether the war is not likely to produce consequences fearful to England, fearful to Europe, fearful to the liberty of mankind? And our first inquiry must be, what are the treaties and alliances upon which we place our hopes? I shall run over them with rapidity, as I think it only necessary to point out some of their leading features, and to shew you how little rational confidence ought to be placed in them. First, As to Spain, who

will ensure to us, even for a single campaign, the continuance of our Spanish alliance? It is obvious that your views on the West-India islands of France throw Spain upon your mercy. All the object of your rival interests; all that contraband trade, which it has been so much your object to encourage to her discontent, all the points that have so long been at issue between you, fall at once to the ground, and you gain the complete ascendancy so as even to demolish the foundations of her power. Do you flatter yourselves that Spain is blind to all this? Do you believe that she will tamely see you gain the possession of islands that must determine her fate? My Lords, you must not trust to so unreasonable a hope; Spain cannot have forsaken so completely her uniform system. I have the highest respect for the Spanish character: noble, manly, candid, and open: the Spaniard is a dignified character; but the genius of its Government is suspicious; and without descending to inquire into circumstances that have recently happened at Toulon, without inquiring into the differences that have happened in more cases than one, without demanding whether unequivocal signs of uneasiness were not manifested, when they saw a ship of 110 guns taken away by the English, which they thought belonged in preference to them, as the natural guardians of Louis XVII. and how little satisfaction they found in the flimsy pretext that the French chose rather to be under the English protection than theirs, I will simply demand whether we can entertain any substantial confidence in this alliance? Our next ally the King of Prussia, it is obvious that there are no political relations which can interest him to the continuance of this war. All his real relations must lead him the other way: as the head of the Germantic alliance it must ever be his policy to resist the aggrandizement of the House of Austria. That Germanic alliance upon which the liberties of Europe depends seems for the moment to be sacrificed to this project against France; and he is now allied with the House of Austria to accomplish an object which must ruin the very object of the Germanic league. Is it to be believed that the Cabinet of Vienna has changed its object, and that Europe has no longer any thing to dread from its unbounded ambition? No such thing. Your Lordships all know the memorable expression of the late King of Prussia, "I have seen," says he, "the Austrian "Generals make faults, but the Cabinet of Vienna never makes a "fault." This Cabinet has been distinguished, not merely by its systematic ambition, but by its incessant, uninterrupted ability in the prosecution of its horrid designs. In no moment has it ever changed, in no moment has it ever abated from its course; and this power, so restless, so hostile to every other Government, which

so recently plotted and was so near obtaining the mighty object of the change of Bavaria, by which alone the liberties of Europe would have been demolished, we now see in an unnatural alliance with that very body who are to prevent its designs. Can we believe that a thing so monstrous will continue; or that the independent States of Germany can long be kept so stupidly blind to their permanent interests as to aid and abet the Court of Vienna in the present war? Our next great ally is the Court of Russia, the colossus of Europe: I call the Empress of Russia the Colossus of Europe, my Lords, for the best reasons, since, by her vigorous and persevering policy, she has at length raised herself to an enormous magnitude of power. The good sense of the British nation recently saved us from a profitless and impracticable war; while, by the shameful dereliction of all system, by an unpardonable, not merely inattention, but I fear countenance of her ambition, they have suffered her to take possession of all the West of Poland, so as to make the rock of Ockzakow, of itself of no value, really an important addition to her strength; and thus has she been able to lay the seeds of power, the future produce of which it is perhaps impossible to calculate. As to her alliance, we may reason from her past conduct what will be her future: it is her invariable policy to embroil the Southern powers of Europe, in order to exhaust them. We have constantly experienced this disposition: she endeavoured to interfere as a mediatrix in the peace of 1782 only with a design of throwing obstructions in the way and of retarding the event. It required address to resist her efforts, and she was displeased at not being permitted to use her good offices to embroil us. Such has been her craft in the present war, instead of sending troops, to aid the confederacy, she has been building fortresses, that, as soon as she sees her rivals properly exhausted, she may be able to attack her devoted victim the Turk. My Lords, it is a serious consideration that you are thus assisting her project, and countenancing the plan of exhausting the finances of every State in Europe, so as to prepare them for the general overthrow which she meditates against them. I can speak upon the most authentic information, that of merchants who have recently come from the keenest and most observant mercantile country in Europe, that the resources of the Empress, in men and money, are inexhaustible, and that they go beyond the calculation of all men not intimately acquainted with the foundations of her power. Our next ally to be considered is Holland. Holland, that was dragged into the confederacy by us against her own better judgement; Holland, that has been made the cat's paw of the cat's paw. What aid are we likely to obtain from the Dutch? Though so formidable a

maritime power, have they sent a single ship to sea? As to their army, I forbear to speak; I will not repeat all the stuff that has been told in the newspapers of their conduct. If it be true that they displayed any backwardness, it only exhibits a striking example of the difference that there is in the conduct of men when engaged in defence of their own liberties, and when drawn in to fight against others. There is another ally, the King of Sardinia, from whom certainly much cannot be expected. As to the suspicion which some how or another has gone abroad that it would be his inclination to continue the war for the sake of the subsidy that we give him, it is an aspersion to which I cannot give credit. The King of Sardinia I believe to be an honest man; but he is weak and exhausted: he cannot do us service. It was always an opinion that, though he might be a small check upon France, and might be usefully employed in the way of diversion, just as the French may hold out the terror of an invasion to us, he could never cross the Var to any good purpose. I remember this was the opinion of Mr. Grenville, and it has been uniformly proved by experience. Such are the alliances of England! And upon this heterogeneous confederacy, of interests so inimical to each other, of powers actuated by no common motives, tied to each other by no friendship, do we rely for success in this war. Is it to be expected that they can keep together? Is it to be believed that an object that has never been defined, in which no two of them agree, nay, which is stated to be diametrically opposite, as often as they try to define it, shall yet perform the miracle of keeping down all their old animosities, stifling their jealousies, reconciling their differences, smoothing their mutual asperities, and resolving them all into a mass of formidable and perfect union? If, my Lords, you can rationally believe that this miracle will be performed you may attach hopes to any scheme that may be presented to you for the farther progress of the war. I confess, my Lords, that it does not enter into my imagination that the league can endure to any good purpose, but that it will soon be found that the artful ambition of two of the courts maintains it only until their rivals are exhausted. In the mean time it is manifest that none of them have money, except only that power that has taken care to give you no other aid than promises, and that the whole burden has fallen and is to fall upon the people of England. Our next point, my Lords, is to look at our conduct to neutral powers; and here, my Lords, I must lay it down as a political maxim, that whatever system a nation may adopt for itself, however profuse it may be of its own existence, no nation has a right to dictate a system to another. There is no country in Europe that ought more religiously to act

upon this principle than England, ſince there is no country that could be more endangered by the violation of this right. I fear that we have loſt by our conduct towards neutral nations ſomething more valuable even than our blood; we have loſt our honour. Every other loſs we might have borne, we might have retrieved; but the lateſt poſterity will paſs judgement upon us in reſpect to the outrages that we have committed upon neutral powers. I will read to your Lordſhips a few extracts from the diplomatic correſpondence of the preſent war; I will not detain you long, for I ſhall only read to you the harſh words, the pointed cannon which you have uſed againſt independent States, merely becauſe they were weak and you were outrageous. Here the noble Marquis went ſuccinctly into a recapitulation of the correſpondence that paſſed between Lord Hervey and the Court of Florence, and of our other Miniſters with Sweden, Denmark, Switzerland, and America. On the 22d of May, Lord Hervey ſent his firſt note intimating the arrival of a Spaniſh and Engliſh ſquadron in the Mediterranean; he received for anſwer from the Miniſter of the Grand Duke a reſpectful declaration, that His Royal Highneſs was determined to maintain a ſtrict and unchangeable neutrality. To this Lord Hervey made a reply, expreſſive of his aſtoniſhment, but declaring that he would make known the anſwer to the Court of St. James's. Yet to prove that he had received his inſtructions, and that this young Lord did not act from ſelf, he forthwith diſpatched a circular letter to all the other Miniſters in Italy, making known this declaration of the Grand Duke, and conveying it in terms harſh and inſulting. After this, on the 8th of October, he preſented a memorial in which he peremptorily called upon His Royal Highneſs to diſmiſs the French Miniſter within twelve hours, or Lord Hood would bombard Leghorn. Such was our conduct to the brother of the Emperor, our ally; ſuch was our outrage to an independant State, as diſtant from every principle of policy as it was from decency, and from the law of nations. One would think that a ſhort recollection of the late quick ſucceſſion of Monarchs in the Houſe of Auſtria might have taught Miniſters the wiſdom of forbearance from ſo groſs an inſult. I believe, ſaid the noble Lord, that it is a received opinion among thoſe who are attached to Courts, and who have the beſt means of judging, that obligations conferred on Princes, ſervices I mean, are uſually, if not conſtantly, forgotten; but that inſults and injuries never are. It is a well-known anecdote that the late King of Spain never forgot, nor forgave, the bombardment of Naples. And it was as oppoſite in national policy, as in Court policy; for never was there any article in any treaty more beneficial to England, than that in the

treaty of Worms, declaring Leghorn a free port. Our attempts on Sweden, Denmark, and Switzerland, were of the ſame nature. But to ſhew that there was no ſyſtem other than that of determined outrage, in all our attacks we made uſe of different pretences. He praiſed the anſwer of M. de Bernſtorf, Miniſter of Denmark, as one of the fineſt eſſays on the rights of independent States that he ever ſaw*; he recommended it to ſtudents in politics as a leſſon; and he ſpoke with equal, if not higher, praiſe of the wiſdom, moderation, and temper diſplayed by the Canton of Berne. If all the world were inundated with folly, wiſdom would retire and take ſhelter in the Canton of Berne. But our treatment of all other neutral powers, was nothing in compariſon with that which we had ſhewn towards America; our ſiſter people; our natural child; our friend, who ſpoke our language; tied to us by every affection: our conduct to America had been marked with more than common outrage, he was afraid with blackneſs of guilt, that he almoſt ſhuddered to examine. He was almoſt afraid to ſpeak out, but it was a duty incumbent upon every one of their Lordſhips to endeavour in ſeaſon, to prevent, if poſſible, the horrors to which the atrocities that he alluded to led the way. He did not ſpeak merely of the order of the 6th of November, an order made without conſulting the American merchants; but by what ſubtlety had it happened that the Algerines had been made to declare againſt the Americans? Was there no ſuſpicion that the Indians, who had been called the arms which God and nature had put into our hands, had been let looſe upon the States? He had no doubt but to theſe queſtions Miniſters would be provided with ready diplomatic anſwers. But it was for the conſideration of their Lordſhips, and of every generous mind in the kingdom, to expreſs, in time to prevent conſequences, their abhorrence at the very idea of ſuch a ſyſtem. No power on earth, the Canton of Berne itſelf, could diſplay more true wiſdom, more dignified moderation, than had Mr. Waſhington and the Government of America. He had diſplayed, ſhall I ſay (ſays he) the grandeur of a Monarch; he diſplayed all the virtues, all the wiſdom of an honeſt and an enlightened man; he diſdained to follow the example of thoſe who not merely act upon the popular cry, but who raiſe a cry in order that they may act upon it; he oppoſed himſelf to the madneſs of the moment, and ſecured to the people of America the bleſſings of peace, in ſpite of themſelves. What is the conſequence?

* Vide *Debrett's* Collection of official Papers on the War, printed uniformly to bind with the Parliamentary Regiſter, to which it is a proper Supplement.

The reflection has proved to them the wisdom of their Government, which has collected strength and stability by the measure. Thus, whether we look to our confederacy on the one hand, or to the neutral powers that we had irritated on the other, he saw nothing very promising in our future prospects. The confederacy, as he had said, was almost utterly destitute of money. Holland itself was low in credit. A lottery by which they hoped to borrow a sum of money at five per cent. had failed, though almost all their debt bore only two and a half. Spain had issued 16 millions of rix dollars in paper money (about three millions sterling,) and the exchange had lowered twenty per cent. On the exchange of Amsterdam there were blank certificates in circulation from every one of the powers at war. Not a guinea was advanced upon any of them, except perhaps Russia. Great Britain alone was to be the paymaster, and to furnish the funds for all. Were we to look forward to a miserable West-India island or two as an indemnity? He reprobated the idea. When America was ours, the West India islands were valuable; but things had now taken a very different course: and he was much mistaken if we should have reason to boast of our possessions in the West Indies as valuable. It is well known that Jamaica had been forced to open her ports to America in order to procure a supply of stores; and when we talked of indemnity for the French West India islands, it behoved us to look to the measures which they would naturally adopt.

Our possession of a part of St. Domingo had already given rise to a very long edict on the part of the French Government, in which they resolved to give freedom and arms to the blacks, as a means of war. Would not this spread and be contagious? and was it not likely that we should soon feel the West-India islands a burden on Great Britain, when they might find the monopoly of our market of advantage to them, but when it would be a serious detriment to us? Let us not then, he said, pursue the idea of this pitiful indemnity to our own ruin! the stagnation of our domestic industry, and of our national capital, for only one year, was worth more than the fee simple of any of their islands in point of substantial benefit to the empire. The French looked upon us as the prime mover of the confederacy, as its soul, and head; all their efforts were therefore clearly directed against us; they had turned themselves to their marine; and we all knew, from the experience of what they had done in that way in the time of Louis XIV. what great things they were capable to atchieve. And what was the object that we had in view in all this, he called upon their Lordships, to say if they could define it? Had it ever yet been defined? To

shew that all the declarations that had been issued by the allies differed from one another, the noble Marquis took a short view of all of them as they had successively appeared.

The first manifesto was the Duke of Brunswick's. In that memorable document the only object of the war is stated to be the welfare of France; the people, however, of which country are not at liberty to obey any laws except those made by the King. In this manifesto it is asserted that

"The city of Paris and all its inhabitants, without distinction, shall be called upon to submit instantly and without delay to the King, to set that Prince at full liberty, and to ensure to his, and to all his Royal persons, that inviolability and respect which are due, by the laws of nature and of nations, to Sovereigns: their Imperial and Royal Majesties making personally responsible for all events, on pain of losing their heads pursuant to military trials, without hopes of pardon—all the Members of the National Assembly, of the Department, of the Districts of the Municipality, and of the National Guards of Paris, Justices of Peace, and others whom it may concern; and their Imperial and Royal Majesties farther declare, on their faith and word of Emperor and King, that if the Palace of the Thuilleries be forced or insulted—if the least violence be offered, the least outrage done to their Majesties, the King, the Queen, and the Royal Family, if they be not immediately placed in safety and set at liberty, they will "inflict on those who shall deserve it the most exemplary and ever memorable avenging punishments, by giving up the city of Paris to military execution, and exposing it to total destruction, and the rebels who shall be guilty of illegal resistance, shall suffer the punishments which they shall have deserved."

To this paper the name of Brunswick is inscribed. All that I can say is, that it was not that same Brunswick so loved, so honoured, so revered by his own subjects. He, I am sure, could alone have signed it in his official capacity. For the dreadful effects of this execrable manifesto the allies are answerable before God and man; and I really think that every cruelty which has been practised in France deduces its origin from those powers who are leagued against that country.

The second manifesto of the Duke of Brunswick, was merely for the purpose of enforcing the first. The next in order, was the Prince of Cobourg's proclamation of the 4th of May. In this proclamation, the Prince expressly states that the object of the allies is to restore the Constitution of 1789. In four days, however, afterwards, on the 8th of May, a second proclamation was published by the Prince of Cobourg in which he declares that the first contained only his personal opinion, though he had in fact positively pledged the faith of the allies in it. Such is the fate of declarations!

The next proclamation was General Wurmser's, in which he

ftates, not that he has taken possession of a part of Alsace for Lewis the 17th but for the Emperor. After General Wurmser's proclamation, came one from Lord Hood, promising the restoration of the Constitution of 1789. A declaration was afterwards published on the 29th of October, 1793, in the Gazette—But this contains no point, and is vague, loose and uncertain. General O'Hara's proclamation is more consistent and more open; but the contradiction between that and Lord Hood's declaration is extreme. The latter promises the restoration of the Constitution of 1789, the former talks only of the restoration of Monarchy and of an indemnity. If God were to shew his finger from Heaven, he could not have pointed out a more signal mode of vengeance, than the manner in which we had been forced to retreat from Toulon. But did the Spaniards make any declarations similar to those of the English? No—This I should think would be sufficient to prove the incongruous nature of the parts of which the confederacy is composed.

Is the restoration of the old Government of France, the object of the war? If it be, how can the old Government be defined—It was a worn-out Government, and, though I have often conversed with enlightened Frenchmen on the subject, I never could procure a definition of what the old Government was—I remember a speech of the late Lord Chatham to me when I was a young man—He asked me on my return from France, about the situation of that country, and he made use of these words, "When I was myself at Dijon, I saw an order stuck up on the part of the King—Turning the corner of the street, I saw another order on the part of the Parliament, forbidding the execution of the King's order. From that moment I was sure that the French Government could not last."

When we had possession of Toulon we had indeed a fine opportunity of creating a powerful interest in France in our favour. The old Government of Toulon was founded on democratical principles. It contained a third estate. If you had given the Toulonese this form of Government, you would have attached them to you instead of alienating their minds by a mode of conduct so replete with contradictions, that they could not rely upon any of the promises that were held out to them.

Whether, therefore, it was the old Government, or what it was we had in view, it was impossible to conjecture; and certainly it would not be unworthy their consideration to endeavour if possible to make out and explain to the world a specific end that we had in view. Even the best advocates for aristocracy were of this opinion.

Mallet du Pan, one of the moſt forcible writers againſt the French, has not heſitated to ſay, that by not having a clear ſpecific object in view, all hope of conqueſt is demoliſhed. His words are theſe—

"The idea that force alone is ſufficient to ſubject a nation, is worthy only of the gaſconaders in politics. The poſſible ſubjection which ought to be ſought, and which, by undermining the baſis of ferocious anarchy, would prevent new revolutions, muſt be the reſult of force, united with perſuaſion. Without this union, war may continue to torment, but cannot ſubdue, France. It may exhauſt the reſources of the Convention, but will afford the means of producing others. Should it effect internal diviſions, it would then but parcel out the Republic, under the ruins of which the commerce and credit of France, and the balance of power would be entombed; while the partition, by exciting the cupidity of neighbouring nations, would produce fifty years of war and taxation.

"The chief obſtacle at preſent to this empire of opinion, is ignorance. The intentions of the combined Powers being kept in myſtery, their enemies, I ſay again, find in this myſtery an inexhauſtible ſource of reſiſtance. It aids them in ripening prejudice, ſupporting popular error, giving effect to public phrenzy, and counteracting the terror of the allied armies, by the dread of the conſequences which would reſult from their ſucceſs."

Such is the opinion of this writer; and without ſuggeſting terms to the Executive Power, it was the noble Lord's opinion, that this country ſhould hold forth a moſt liberal and generous conduct to France; the ſame ſort of generoſity which France ſhewed to England, during the civil wars of Henry III. and which Hume ſo finely deſcribes, ought to be an example to us in the preſent moment. Hume, ſpeaking of Louis IX. during the dreadful civil wars that ravaged England under Henry III. ſpeaks of him as follows:

"Whenever this Prince interpoſed in Engliſh affairs, it was always with an intention of compoſing the difference between the King and his nobility; he recommended to both parties every peaceable and reconciling meaſure; and he uſed his authority with the Earl of Leiceſter, his native ſubject, to bend him to a compliance with Henry. He made a treaty with England at a time when the diſtractions of that kingdom were at the greateſt height, and when the King's authority was totally annihilated; and the terms which he granted might, even in a more proſperous ſtate of their affairs, be deemed reaſonable and advantageous to the Engliſh. He yielded up ſome territories which had been conquered from Poictou and Guienne; he enſured the peaceable poſſeſſion of the latter province to Henry; he agreed to pay that Prince a large ſum of money; and he only required that the King ſhould, in return, make a final ceſſion of Normandy, and the other provinces, which he could never entertain any hopes of recovering by force of arms. This ceſſion was ratified by Henry, by his two ſons and two daughters, and by the King of the Romans, and his three ſons. Leiceſter alone, either moved by a vain arrogance, or deſirous to ingratiate himſelf with the Engliſh populace, proteſted againſt the deed, and inſiſted on the right, however diſ-

tant, which might acrue to his consort. Louis saw, in this obstinacy, the unbounded ambition of the man; and as the Barons insisted that the money due by treaty should be at their disposal, not at Henry's; he also saw, and probably with regret, the low condition to which this Monarch, who had more erred from weakness than from any bad intentions, was reduced by the turbulence of his own subjects."

I am confident, said the noble Lord, that if we were to shew the same sentiment of kindness and generosity, if we were to manifest a desire of peace, if we were to hold out our hand, they would do more than meet us half way, they have always been against the war with England. I am not the dupe of all the silly pretexts that have been held out for our plunging into the war. 'Tis not the violent speeches and the inflammatory harangues that happen either in their Convention or in our Parliament, that give me any true notion of the general sentiment of either country. Violent speeches in the one place produce violent speeches in the other. When we talk of demolishing their anarchy, they will call ours tyranny, and by their miserable invectives bandied from the one side to the other, may the temper of the people on both sides be irritated without cause and without object. Let all this be avoided: it can produce no good.

What the terms of the peace ought to be, I repeat, that I do not mean to suggest, but I am confident that in great affairs there should be no medium. An indemnification I should suppose would not be insisted upon—for we can have no wish of accepting gold from France, and what indemnification can a few worn-out islands be to us? Besides, as America has guaranteed the possession of the French West-India islands, will she quietly permit you to seize them? If we do not mean extermination, we ought to be generous. One of the ablest statesmen that ever lived says, that between the one and the other of these objects, there should be no dispute. Let us not then cabal about an island. It is not the trash of an indemnity that we ought to pursue, it is to conciliate the minds of the people of France, and to restore peace to mankind. We see, what indeed history might have told us without this fatal experience, that God has made such a difference between offensive and defensive war, that the same creature acting in different situations changes his nature. These very French whom we have found so formidable when attacked, droop and sicken when they come in their turns to be the assailants. We have nothing to apprehend therefore from their external hostility. Whenever they have come across the Rhine, you see how feeble they have become. Nor does the sentiment of the nation countenance them in foreign attacks, no part

of the war created such murmurs at Paris as the siege of Mayence. These considerations, my Lords, I trust will induce you to give a deliberate attention to the object of this war. I have endeavoured to compress them into the propositions which I hold in my hand, and to which, whatever weight it may have with you to-day, I am persuaded that you will by and bye recur, as a measure not altogether undeserving of your serious regard. I therefore move your Lordships that an humble address be presented to His Majesty,

To represent to His Majesty, That the events of the last campaign have demonstrated the extreme improbability of conquering France, even under the singular circumstance of a general confederacy formed against her:

That the duration of an extensive confederacy, necessarily slow and ill-combined in its operations, is not to be depended on from day to day, and formed, as the present is, with Powers, who it is to be apprehended from the exhausted state of their finances, wasted by profusion and war, can only fulfil their engagements to us by being subsidized, the great burden of expence and odium must ultimately fall upon Great Britain and Ireland:

That were the war to be in future as successful, as it has hitherto proved adverse, it ought not in sound policy to be continued, because no acquisitions of territory can be of real, and much less of adequate benefit, at the risk of prolonging the present, and laying the foundation of future wars:

That a loss to the nation incalculable, and almost beyond imagination, must follow from the diminution of product and consumption; the stagnation and destruction of capital, and the general decay of trade, which have arisen in the place of that reduction of debt and taxes, which we were taught to expect, and which is so essential to our external independence, and to our internal tranquillity and happiness:

That the dismemberment of France, if attainable, so far from securing the balance of power in Europe, must endanger, if not overturn it, as it cannot fail to augment the strength of the greater European Powers, who, from their ambition, and the policy which they have lately adopted, of acting in concert, already threaten the extinction of the Independent States of the second and third order, upon whose preservation the liberties of Europe essentially depend:

That opinions and sentiments once widely disseminated cannot be controlled by arms, and therefore it behoves every Government, which would guard against the progress of Democratic principles, to avoid the evils which gave birth to them in France:

That the obedience paid by the French nation to its Provisionary Government, when in the act of opposing a confederacy attempting to control its interior, though a strong proof that the present war is more likely to confirm than to destroy such a Government, yet is no proof that the French nation will continue that obedience to it, provided we suffer them to return to a state of external peace, while it may be yet time for the national good sense to operate:

That experience has demonstrated the futility of every attempt to interfere in the internal affairs of France, even if the injustice of it were problematical, and that we must deserve the deepest reproach which a

nation can incur, if, to serve the mere occasional purposes of the confederacy, we encourage farther revolts in that country, where we find that we are unable to fulfil our promises of present support, or to save those who have put a confidence in us, from ruin and extermination:

Therefore to implore His Majesty to declare, without delay, his disposition to make peace upon such disinterested and liberal terms, as are best calculated to render the peace between any two nations lasting, and to communicate such declaration to his allies, that an immediate end may be put to that daily effusion of human blood, which, if suffered to proceed must change the character of the nations of Europe, and in the place of that improving spirit of humanity, which has till lately distinguished modern times, substitute a degree of savage ferocity unexampled in the annals of mankind.

Earl FITZWILLIAM said, he believed that the people of this country at large at first considered, and now consider, this war on our part to be strictly a defensive war. It was evident the French meant to give law to all Europe. They meant to carry their principles into the heart of every other country. Principles which, if propagated without opposition, must be tremendous to every other part of the known world; and of the intention of the French to propagate them there could be no doubt, for that was confirmed by their acts. This was illustrated beyond a doubt by many facts, and confirmed from the authority of Brissot, who was the first adviser of the declaration of war. Brissot had since declared that this war, on the part of the French, was not a war for conquest in order to gain territory merely, or of ambition only, but a war of destruction to every lawful government. But his Lordship observed that, although he regarded this war on our part as a defensive war, yet it did not from thence follow that we should not be very active in our measures: no, for active we certainly must and would be in the prosecution of it, unless we forgot all our ancient principles, and gave way to a new system, that threatened us and all the rest of Europe with destruction. The motion now before their Lordships, appeared to be highly objectionable; the object of it seemed to him to be, to call on His Majesty to make a distinct specification of the mode in which the war was to be carried on, and to call on His Majesty, in direct violation of all the treaties by which he is engaged, to abandon the common cause, without consultation with any of the other powers: this appeared to him to be highly improper; for we should at all times pay a high regard to the spirit of our treaties, and we were bound in honour by the present treaties. Wise he thought them: others might perhaps be of a different opinion on that part of the subject; but he believed there were but few in this country who would think it adviseable for His Majesty to abandon the spirit of

them without even so much as consulting any one of his allies: this would be a direct violation of the law of honour, as well as the law of nations; by this we should at once forfeit our faith and abandon our own interest. With regard to peace with France, we could have no hopes of it under the present system, unless we were prepared to sacrifice every thing that was dear to us, for we had lately been told by one man in the National Convention that we may have peace if we please, but before we have it we must give up our Constitution: what after this was to be said of the hopes we had of obtaining peace under the present system of Government in France? What were we to expect if we were to withdraw from the present league, or to become passive? The best way to answer that would be found out by looking at the conduct of the French when they invaded Savoy. That they were eager to introduce their political sentiments into other countries, appeared sufficiently from their conduct in neutral nations, or wherever they were permitted to have any footing; their first and great object in such situations, being to establish Jacobin clubs, for the purpose of disseminating their principles; and in Flanders they even established primary assemblies. Would we propose terms of peace with France, we must first disband our army, or quit the territories of the Republic, and then what security had we that any honourable terms would be assented to on their part? His Lordship contended, that the safety of the country, the preservation of the constitution, of every thing dear to Englishmen, and to their posterity, depended upon the preventing the introduction of French principles, and the new-fangled doctrine of the Rights of Man; and that this could only be effected by the establishment of some regular form of Government in that country, upon which some reliance might be placed.

The Duke of GRAFTON declared, that he rose to deliver his sentiments in favour of the present motion, not from attachment to any party, but from a thorough conviction that he could not possibly render his country a more essential service, than by using his utmost endeavours to rescue it from a war as destructive in its nature as unknown in its principles and object. He should have been satisfied to hear the opinion of others much at length upon this subject, and would have weighed it well, and then, as a man of honour, unbiassed by any side, should have given his own. This he wished to do on every important occasion: he should certainly have done so upon this, if the noble Marquis who made this motion had not done him the honour to communicate it to him; and he must declare, that if he had not deliberately considered it, and if

he had not been thoroughly satisfied with the construction and tendency of it, he should not, at this stage of the debate, say a single word upon the subject; but under all the circumstances, he thought it his duty to come forward and declare his sentiments. There might be some who thought that it would avail nothing to support a side of a question against a great superiority: he confessed he was not dismayed by that consideration; for he was old enough in this world to remember, and to see a small minority—a minority slandered by addresses to His Majesty from different parts of the kingdom, and by other productions, and all this for advising peace with America; and yet some of the very persons who were so angry at first at this advice, adopted it, and the small minority grew up into a large majority in the kingdom. What then was to be dreaded in this war, any more than had been encountered and subdued in that former instance? Nothing. Was this motion to be attended with any indignity to the Crown? No, that was not the intention.—Was the spirit of the motion against the interest of the citizens?—He did not like the word citizen.—But was there any thing in the motion against the interest of Britons, as he would rather call them, or prejudicial to our fellow subjects? Nothing. On the contrary, the motion was calculated to promote the real welfare and prosperity of the people of this country, and he believed, that if right measures had been taken some time ago, with regard to Continental affairs, hundreds of thousands of the lives of our fellow beings would have been saved, and he saw no reason why steps that had hitherto been found so destructive, should still be proceeded in. He had some time since heard, indeed, that we ought to repose confidence in Ministers, but when so much blood and treasure were to be wasted by their schemes, and that too unnecessarily, confidence in Ministers was a new doctrine to him, and he was sure it was entirely unconstitutional. There were men who were interested in continuing the system, the effects of which was so generally and so heavily felt. But he believed not many of their Lordships would deny that very alarming consequences might arise out of that continuance. We know very well, at least there were but few who doubted, that we were two years since in a state of great and enviable prosperity; perhaps as few would doubt that we were tremendously fallen since that period. For this there must be some cause; for this he was inclined to think there might be two; each would operate in its way. The causes he alluded to were—either the building itself, although not rotten at the heart, is in a state of dangerous decay, or Ministers were corrupt in the discharge of their

duty; and by inefficient, ill-judged, or unwise measures, had brought us to the condition we are in at present, from which, unless timely prevented, some serious calamity will befall us. Either of these causes was enough to bring us into our present situation, and unless some remedy was taken to prevent it, this might end in our total ruin; he was sure that a combination of these causes was enough to do so, and perhaps he might think that combination was now working to that end most rapidly. Hitherto he had dealt a good deal in general terms upon this subject, but he was sure their Lordships would be able to apply what he said without any difficulty. They would remember, that about two years ago the right honourable gentleman who was at the head of His Majesty's Cabinet, had, in a speech delivered with that matchless eloquence which distinguished him, held out to the Public the very thriving condition of the finances of this country, the growing produce of our revenue, and above all, the probable prospect we had of continuing to ourselves the blessings of uninterrupted peace for the space of fifteen years: it was in February, 1792, the Minister had actually calculated our finances upon that prospect, and on it he had built a plan for the liquidation of our enormous debt. At that time he could not be deceived as to the affairs of France, for there was not at that time a single emigrant here from France that was not a friend to the old Government, and from whom he could not have received any flattering details of the good disposition of the then ruling party in France; and yet with all this advantage from information that could not flatter him, he was pleased to hold out to the Public a prospect of the blessings of peace for fifteen years together! What did this teach every man of a reflecting mind to infer? Either that the Minister was insincere at the time he held out this language, or that the system on our part, with reference to the politics of the Continent, was changed. The first was an uncharitable, the second a fair inference. He would take it then that we had changed our system, and that we were now to insist on a particular form of Government. On this, he must own he had no idea of our success; nor did he see justice in our interfering at any time in the internal Government of France, or of any other country. He had heard, indeed, that the French insisted on altering our constitution, before they would consent to be at peace with us; but he believed that if there was wisdom in our Councils, and proper terms were offered for peace with the French, our constitution would not be in any danger. He had heard much said against the violence of the French, and the desperation of their

cause, as manifested by their debates in the National Convention, and much reliance was placed in the pamphlet of Brissot, to prove that the French are determined on the destruction of all other Governments; he owned he did not agree to such a conclusion. We had in our Houses of Parliament said as hard things of them, and their Government, as they could say of us; all this would soon be set aside, by opening any train of negociation which had been too long neglected: indeed, such steps had been taken, as had tended much to inflame the whole of the French people. One of these was the Manifesto of the Duke of Brunswick, a performance which he really believed had been the cause of much shedding of blood. —It was but just that the Public of this country should know whether our Cabinet knew any thing of that publication. If they did, he was sorry they did not protest against it. If they did not, it was insolent in the Court of Vienna to conceal it from us, at a moment when it must have been in their contemplation to bring us into the league, and while we remained silent on that subject, the people of France would consider the sentiments contained in this manifesto as the sentiments of the King of Great Britain. The same observation was applicable to all the other Manifestoes and declarations of the allied powers. The noble Duke concluded with observing, that with regard to himself, Ministers ought to see, by looking at his conduct for years, that he was actuated by no motive of personal hostility to them. But on this occasion he felt himself bound to act the part he did. He acted from the sense he had of his duty to his King, to his country, and to himself; and viewing all these as he did, he found himself bound most solemnly to declare it to be his opinion, that, from continuing the present system, the existence of the Throne itself may be in danger; the authority of Parliament annihilated, and the country be ruined; and he should feel it a matter of internal reproach from his conscience, such as would for ever destroy the tranquillity of his mind, should he conceal from their Lordships what he now felt with regard to the present momentous contest. Their Lordships, he did not expect, would be immediately influenced by what had fallen from him or the noble Marquis; but he implored them to reflect on it when on their pillow, and consider how far their country might be injured by the contest, and how little hope could be reasonably entertained of the smallest advantage resulting even from its most successful termination.

The Earl of CAERNARVON said, he had endeavoured, with all the attention of which he was master, to follow the arguments used by the noble Duke and Marquis in support of the present motion, but could not perceive that any one had been used by which

their Lordſhips could be induced to adopt a meaſure which went in direct contradiction to the addreſs which they had voted to His Majeſty on the firſt day of the preſent ſeſſion. The preſent motion appeared to him to be nothing different but in name, from that made by a noble Earl (Stanhope) whom he had in his eye, and of which their Lordſhips had fully expreſſed their ſentiments; that was a motion to acknowledge the French Republic; the preſent a motion propoſing a peace with France, the acknowledgment of whoſe Government muſt be a fundamental article of it. The ſentiments he had adopted with regard to France in the commencement of the war, he confeſſed, remained unaltered; nor had he heard any thing from either of the noble Lords which could in the leaſt ſhake his opinion. It was not his intention to follow the noble Marquis through a long and tedious narrative, which, in his mind, had but little bearing on the queſtion: he would endeavour to ſelect the general line of his argument, to which he would reply.—In no one argument, or propoſition, advanced by the noble Marquis, did he concur, but one, which was, that peace was deſirable, if it could be obtained with honour and ſecurity; but to him it appeared, that there exiſted at this moment no greater hope of ſecurity than there exiſted two months ſince, when their Lordſhips concurred in the addreſs, which expreſſed their opinions that a continuation of the war was neceſſary and adviſeable. As for an honourable peace, that ſeemed not to be poſſible; for the ground propoſed was a breach of faith with our ſeveral allies, to whom we were bound by treaty, and the ſeveral treaties on the table of that Houſe, whether advantageous or otherwiſe, this country, if it regarded its honour and faith, was bound to obſerve and fulfil. What was the object of the motion of the noble Marquis? To addreſs His Majeſty to define the object of the war, and the grounds upon which we will accept of peace. The object of the war, his Lordſhip ſaid, had been already fully and amply defined on the part of France; it was evident what was their object from their ſeveral decrees, from the 16th of November, 1792, to the report of Barrere, as Preſident of the Committee of General Safety; their object was an offenſive war, for the purpoſe not only of conqueſt, but of the ſubverſion of the different Conſtitutions of the kingdoms of Europe; our object in this war was not only clearly defined, but fully underſtood; it was a defenſive war for the protection of our allies, for the preſervation of our Conſtitution, and for obtaining ſecurity againſt ſimilar encroachments in future. The decree of the 16th of November, of the 19th of November, and the note of Monſieur Chauvelin, in anſwer to the remonſtrance of Lord Grenville,

confirm what was their object, to establish what appeared to them to be freedom, in all nations; and to subvert their existing Governments. The arguments used against a continuation of the war by the noble Marquis, were, in his opinion, of the most dangerous nature, they tended to involve us with our allies, by inducing a suspicion of their conduct; and also to involve us with neutral nations, America in particular, who is so intimately connected with us.—He should not take notice of the several manifestos and proclamations which had been read; and which tended to influence the minds of our allies; he should just take the liberty of making a single observation upon the papers of Lord Hood, upon those the noble Marquis had observed, that in one he promised to the people of Toulon the restitution of the Constitution of 1789; and in another, he contradicted *in toto* this agreement by proposing that the ships and stores should be restored when a Government should be established in France under such modifications as might seem right to the coalesced powers. He felt himself inclined to maintain that the conduct of Lord Hood was perfectly regular and proper. He here read part of the Declaration of Lord Hood to the inhabitants of Toulon, and the subsequent proceedings. From these he drew conclusions totally different from those of the noble Marquis who made the motion; for so far was Lord Hood from insisting on any form of Government in France, that he left the inhabitants to judge for themselves. They were to declare in favour of Monarchy in France; and Lord Hood undertook to protect them, and preserve that place, as well as others that might follow their example, in trust for Louis the Seventeenth, son of Louis the Sixteenth; he only promised to secure to them, as far as circumstances would admit, the form which they adopted for themselves. A noble Lord (Stanhope) had on a former day alledged that France had, by her Constitution, given up all idea of interfering in any Government but her own. Constitution it was called, but it resembled more a collection of maxims than a Constitution, and such as it was, it had no ...e, for it was strangled in its birth, it met with the same fate as every thing good or virtuous in France; it was tried before the Revolutionary Tribunal, and executed, at least its faculties were suspended during the continuance of the war; but he contended, that this was no Constitution; it consisted of a set of disjointed maxims and rules, but possessed no feature of a Constitution, nor a single trace of the venerable remains of their former Government. Was it this Constitution, which was deemed unfit for a time of war, upon which we were to depend for the continuance and security of the peace? Could not the despotic and uncontroled power of

the National Convention at any time suspend its faculties, when it might seem fit to declare war? Even if we were to conclude a peace with the French, under the authority of that Constitution to-morrow, there was no security for the continuance of it for a moment, for the ardour and the enthusiasm of the Rights of Man, would put an end to all tranquillity, and endanger all the Constitutions in Europe, for the French might again take it into their heads to plant the tree of liberty in their neighbour's soil: in short, there was no security whatever to be had from the French for the punctual observance of any of their engagements. They had no idea of the nature of national honour, national faith, or the binding force of a national engagement, and therefore he would not enter into any agreement with any of them. To illustrate what he had now said, he would refer to the common course of proceeding in courts of justice: When any witness was called to be examined, and when his integrity or capacity were doubted, he was usually asked, "What idea have you of the obligation of an oath?" If the answer was insufficient, the court would refuse to examine him; precisely so was the case here—the French had no idea of an agreement between one country and another, and no reliance could be placed on their promise, supposing their judgement to be correct upon that subject. Indeed, all the ties of moral obligation were loosened. There was no religion in France; there was no morality in France; there was no honour in France; there was no virtue in France; there was nothing in France to be depended upon in which civil society was interested. The Deity by name they had degraded—denied his existence—then tolerated him—then admitted him a Member of the Jacobin Club. All that infamy, blasphemy, and folly, was the effect of their despondence and despair. What correspondence or connection could be held with such persons?—Their system was to set Europe in a flame, as had been expressed by Brissot: and although he fell, his opponents differed from him in this point, only in point of time: they agreed to the principle of setting Europe in a flame, as a matter of necessity for the preservation of the French Republic. Besides, we were lately told from the Jacobin Club, and from the National Convention by Barrere, that England wished for peace: that England shall have peace, but it must be by sacrificing her Constitution. Let the noble Marquis negociate upon these terms, and he would ask him if he was willing to pay the price which was asked—the sacrifice of the Constitution? It was a price which he was sure no man in this country would consent to pay.

The Marquis of LANSDOWNE conceiving the noble Earl

had been a little too fond of the equity of the Declaration of Lord Hood at Toulon, read the whole of it, and maintained it fully warranted the comments he had made upon it.

The Earl of CAERNARVON continued of his former opinion upon that subject.

Lord DARNLEY expressed himself sorry to interrupt the House so frequently; but, he trusted, the great importance of the questions which have lately called the serious attention of the House, would sufficiently induce their Lordships to pardon his intrusion; he was now more convinced than ever of the propriety of persevering in this just and necessary war; for his part, he did not entertain those gloomy apprehensions which noble Lords, who had spoken in the debate, had exhibited; he had often been told that the country was injured by the continuation of hostilities; but when he looked around him, he saw the same happiness was enjoyed, and the country in the same prosperity as in 1789; there was no noble Lord who wished for a speedy and honourable peace more than he did; but before he made any attempt to procure it, he must have some reason to hope it would be permanent, at least something more than conjecture. But the noble Marquis, whose opinion he treated with respect, and whose ability as a Statesman, he could not but acknowledge, had not thought proper to point out any mode in which this peace may be procured. He had not stated to the House with whom we are to treat, with what Government we are to negociate. It would be difficult indeed, for him to define that Government, and much more difficult, he trusted, would it be for him to induce their Lordships to listen to any idea of accommodation. He would not think of describing the Government of that country, whose dreadful and infernal measures were not confined within its own limits, but threatened ruin to Europe. From their late decrees, and the spirit which they breathe, it appeared, that the Convention will listen to no treaty, no overtures of peace, without the sacrifice of your Constitution. This, with him, and, he trusted, with every other noble Lord, would ever be an unanswerable argument against peace. We must therefore relinquish our form of Government, or they must abandon theirs before negociations can be entered on. He said, he could not content himself with giving a silent vote; it was a war founded on justice and necessity; he ever would defend it with his poor abilities; he would to his last moment give it his warm support; before God and his country he spoke the sentiments of his heart, and so perfectly satisfied was he in his mind of its urgency, that though the idea was novel, and language seldom held in that House, he assured their Lordships

that he would prosecute it with his fortune and his life, should such support be ever requisite.

The Earl of GUILDFORD said, it was not his intention to go much at large into the subject, particularly after the able manner in which it had been treated by some noble Lords who had preceded him in the debate. He commented upon the arguments of the noble Earl who spoke second (Earl Fitzwilliam), and acknowledged that he thought them rather extraordinary; at the same time he thought it necessary to say that so much did he approve of all that had been said by the noble Marquis, that if he was resolved to take the sense of the House upon the motion, he should think himself obliged to vote for it; because he wished to shew himself particularly against the construction which the noble Earl had put upon the motion, and the motives for bringing it forward. Another noble Earl had started a new and very extraordinary sort of argument for refusing to make peace with France. He had compared the French Government to a witness brought to the bar to give evidence, and whom he would think it necessary first to ask, if he understood the nature of an oath? Just so, before he treated in any way with the Convention, he would think it necessary first to be satisfied whether they understood the nature of a contract between two nations; if this doctrine was to prevail, he was at a loss to know when the proper time for negociation would arrive, for granting all that had been said about the perfidy of the Convention, were they to turn their attention to the ancient system of France, they would find invariably, that in all its transactions with this country, when a Monarchy, there was as much perfidy, and as little dependence to be had on its treaties, as could be stated against this or any Convention or Government, from the time of Louis XIV. to the present day. As to what had been said on the subject of treaties, and the question that had so often been repeated, how noble Lords could advise making a peace that would be inconsistent with the treaties they had entered into with their allies, he would ask what power was invested in the Executive Government to make treaties, by which the privileges of that House were to be entirely taken away and destroyed? He never could hear without reprobating such new-fangled doctrines. The next thing attempted to be argued was the impossibility of treating at all with France, from the different decrees of the Convention, and much use had been made of them, as well as of Barrere's report, which he owned, to him, did not appear in any way pertinent to the question then before the House; one thing however he was glad to see admitted by all parties, and that was the universal wish for peace that prevailed amongst all ranks of peo-

ple in this country, though some noble Lords, by their arguments, seemed to despair of the possibility of obtaining it, and that unanimous wish, he thought, ought to induce Ministers to lose no opportunity to procure that peace so desirable, and so essentially necessary to the happiness and prosperity of this country. This despair of making peace, seemed to arise from an idea, that as long as France adhered to the spirit of their decrees, there could be no chance of treating with them; it might be so, if this could possibly happen; but he contended that it could not; nor ought we to state those declarations in a stronger point of view, than the declarations of other countries, and particularly the declarations of this country, which he contended had frequently of late been so little adhered to, that in many instances we acted in direct contradiction both to the spirit and the letter of our declarations. Such declarations, therefore, in that country, as well as in this, he would always consider as the declarations of individuals, more than the acts of Parliament, or a Government; and he never could have believed that they would have been treated as objections to treating for peace, when all concurred in admitting, that peace was so desirable and so necessary; and before he left this part of the subject, he would only beg of those who cried out so much against the decrees of France, to examine our own declarations at home, and the instructions given to and followed by our Ministers abroad. It would then be said, what are we to do?—so great are the difficulties at home and abroad, that how can we remove them? But he in turn would ask, What are they? He believed the difficulties were mostly at home, and without any solid foundation. Are we afraid, are we ashamed to be the first to bring about, by our interference, that which is not only for the good of our country, but for the general tranquillity and prosperity of all Europe? If we were thus afraid and ashamed to be the first to set the example of negociating for peace, he hoped and trusted, we would soon come to our senses, and think otherwise. Much had been said about the danger to our laws and religion; but he could not see the weight in that argument, which it seemed to have with some people; and he conceived, at so momentous a crisis, we ought not to allow prejudices of any sort, or exaggerations of the proceedings of others, so far to get the better of our judgements, as to prevent our restoring, as soon as possible, the blessings of peace to our country. But what is there, again I ask, my Lords, that prevents mediation? It seems you cannot pass with impunity those particular declarations the Republic has made with respect to this country. Unless, my Lords, you are blinded with prejudice, you must remember that declarations equally violent were made on

your parts, as violent as the rankling animoſity of Stateſmen could ſuggeſt. Do not, my Lords, forget the declarations made even from the throne:—Do not forget the declaration of both Houſes of Parliament, which fell but little ſhort of aſſerting, that nothing could be accompliſhed without the deſtruction of the Governors of France; the declarations are ſimilar, and equally virulent on both ſides; but, my Lords, what ſhould be the conduct of this country in this ſituation of affairs? Would it be degrading or diſhonourable for you to be the firſt to remove theſe national animoſities?—are you afraid or aſhamed to be ſeen in ſo noble a cauſe? Whilſt we are ridiculing and cenſuring their Governors and their Conſtitution, let us take care not to endanger our own; let us beware how we hazard religion in this country, by the conduct we are purſuing—take care, my Lords, that you do not one day ſee introduced into this country, thoſe awful ſcenes which you lament and deplore in that unfortunate country; I entreat and conjure you to uſe every means in your power to ſtop this horrible effuſion of human blood; let no prejudice, no antipathy, my Lords, ſtand in the way of mediation. Abandon, I requeſt of you, your idle, your viſionary, your impracticable ſcheme, of dictating to an independent country, of ſettling the Government of France; your exertions have been already as great as your ſtrength or your ability could permit, you have made the effort to ſubdue this proud nation; you find your arms have been unſucceſsful; perſevere not, my Lords, in this deſtructive ſyſtem of politics in which you have embarked. I roſe, my Lords, merely to ſtate the object, the real end, of our endeavours; let me adviſe you to remove thoſe impediments which ſtand in the way of an union, of an amicable reconciliation; and let us, in the name of Heaven, make ſome attempt to procure a ſpeedy, a ſafe, and an honourable peace.

The Duke of LEEDS ſaid that the motion, coming from the quarter it did, demanded from him every degree of reſpect, reſpect from perſonal conſiderations and long acquaintance, and more ſo as coming from one whoſe character as a great ſtateſman had long been held in the higheſt eſtimation. He declared himſelf however againſt the motion, and was ſurpriſed when he found the noble Marquis had uſed no argument that could induce him to acquieſce in it. He did expect to have heard it ſtated that ſome great change in the French ſyſtem had taken place, that ſomething had happened that made a peace practicable; but from nothing he had heard that night, from nothing he could collect from the public prints, or all the private information that came within his reach, could he collect any ſuch thing; the only anſwer therefore that he thought the motion

required, was to read the addrefs to His Majefty on the firft day of the feffion. He had no doubt but the motion had been brought forward from the propereft motives, and for the effential fervice of the country, but he really could not help objecting to the time that had been chofen for the purpofe. He did not mean to enter into a difcuffion of the origin, or defcription of the war, but he confidered the ground of it to be purely defenfive; and confidering it in that light, as well as from the fanction already given to it by Parliament, he faw no neceffity why we fhould be at any difficulty with refpect to its precife objects. He always from the firft had conceived the French fyftem to be a fhameful confpiracy againft the Conftitution, the liberties, the laws, and the religion of every eftablifhed Government; and thefe he took to be fufficient grounds for the origin of the war. And as to peace, nothing fhort of a complete difavowal and abandonment of that fyftem on their part, could ever induce us to treat with them; and even in that cafe he was doubtful if we could treat with fecurity. And from thefe opinions he thought that it would be mean and daftardly to recommend peace at this immediate juncture, confidering the circumftances of this country. He then made fome remarks on what had been faid refpecting our conduct towards neutral nations. He faid it afforded him a particular degree of fatisfaction that the noble Marquis had at laft found out that Ockzakow was of fo much importance to the Emprefs of Ruffia, whom the noble Marquis has been pleafed to ftyle the Coloffus of Europe. He did not know how that language might be received at Peterfburgh; but he recollected when he had bufinefs in his official capacity to tranfact with that Court, the noble Marquis was fo particular that he gave him in that Houfe his advice how he ought to addrefs that illuftrious Princefs; and after having fuch advice, he trufted he had addreffed her in words more fuitable to diplomatic language. He congratulated the Houfe on the appearance of a noble Duke that night, after fo long a retirement from public bufinefs, becaufe he believed, as the noble Duke had ftated, that a confcientious fenfe of his duty was the only motive that could have brought him forward. But one remark had been made by his Grace which he could not pafs entirely unnoticed: the noble Duke had reflected on the conduct of Minifters for fome time back, and had afcribed to that conduct many of the worft confequences that had occurred, fince the breaking out of the French revolution. At the beginning of that revolution he was in office as Secretary of State, and from his fituation, he was happy to think that he had it in his power to know, and to avert one of the moft fhameful and horrid confpiracies at Paris, that could have been contrived. With regard to the con-

duct of Monsieur Chauvelin; can any one say, that there was ever an Ambassador so obnoxious, or any instance of a person who dared to behave in such an improper manner? He continued this shameful behaviour, till Government found it necessary to assume the dignified part, and order him immediately to quit the country. We have seen the declaration of the Convention, in which they state that they will not enter into any overtures of peace till the enemy quit their frontiers, and till we evacuate the Netherlands. What reason have we to suppose that after we withdraw, they will not resume their career, break through the barrier and again pass on to Holland? besides my Lords, they have positively declared, England must relinquish her Constitution, or they will not treat with her, or listen to terms, on the whole, our attempts would be vain, our humanity would be useless, no hope can be expected from treaty; and in the present state of affairs we cannot, however great our anxiety, for that object, effectuate a lasting peace. Upon these grounds then, he must object to the motion; first because it was, in his opinion, impossible to make peace with the present Government of France; and next, because that very Government had recently passed a decree, that made it impossible for them to treat for peace with this country.

Lord SYDNEY objected to the motion on the following grounds: it went to declare, first, our injustice in having commenced the war; our inability to carry it on; and our distrust of our allies. He felt himself warm, he confessed, on the occasion, from those honest prejudices of education which he had imbibed in his youth; and whatever apology might be made for the conduct of the French, because it was similar to what had been pursued under Louis the Fourteenth, he would as eagerly have acted against him, had he adopted a similar course of cruelty and injustice. He would not enter at large into a detail of all their villanies or depredations; he would just mention their attack upon Savoy, upon Austria, upon the King of Sardinia, for no other reason than because he had a few paltry redoubts that stood in the way of their plundering incursions into the adjacent countries. Their conduct towards Geneva was unjust, unfeeling, and oppressive; they had endeavoured to render it an epitome of Paris. It is true, they did not succeed in their object of establishing their Government, or more properly speaking, of destroying all Government there, but they sent into their State a banditti of ruffians, at the head of whom was Citizen Rotondo. This wretch, instructed no doubt in the bad purposes of his commission, was constantly reviling all legal and royal authority, and among other topics of abuse, had introduced the name of our Sovereign. He was one day at table more than usually abusive,

and in mentioning His Majesty, wished him the same fate as the unhappy Monarch had just suffered, who was guillotined. This insolence was justly and spiritedly repressed by a young Irish gentleman, whose name was Hobson, who instantly knocked him down. The fray cost this wretch his life, which he had so justly forfeited by his crimes. It is agreed on all sides, that peace is preferable to war; but shall we prefer an unsafe and a precarious peace, when we can compel one that shall be solid and lasting? War is already determined on, and he was sure the country, from the justice and necessity of the motives, from which it was undertaken would continue to support it. But we are told this country is unable to proceed in the war; it is suggested, that little confidence should be placed in our allies, the war has been also declared by some noble Lords as unjust; it is no such thing, we will not degrade and dishonour ourselves by asserting now that our cause is unjust, our allies not to be depended on, and our country exhausted. He had just to observe on something that had been hinted by a noble Lord at the opening of the debate, which glanced so forcibly on Ministers, that it must for their honour be explained and noticed. A hint was given by the noble Marquis, in his motion, that arts were now in practice to excite the Indians of America against the civilized inhabitants. Surely if this were true, which he strongly doubted, the authors should be ascertained, the charge clearly made out, and the whole should take the shape of an accusation, and not be conveyed in a dark and vague insinuation. His Lordship concluded in expressing his decided disapprobation of the motion.

Earl KINNOUL (Lord Hay) said, he would trouble the House but with a few words, he was surprised when notice of the motion was given, but now much more surprised that nothing more should be advanced, he did not hear one argument which could alter the opinion he had formed on the decision which Parliament made on a former night, he was much astonished at one thing which had fallen from the noble Marquis, with respect to the West Indies; the noble Marquis advanced that these islands were not of the smallest advantage to England: this was a strange idea thrown out in the heart of this great commercial country; he denied the position to be true; he was confidently assured that the capture of St. Domingo was of the greatest importance; that very advantageous markets were already opened in that island; and he was convinced that our commerce would be much extended by its capture. It has also been asserted that this country does not stand well with America, and that America is likely to take up arms against us; but when we look for authority, we trace the positions no farther than idle ru-

mour; on the contrary, America every day is more hostile to France; she becomes every moment more disgusted with her principles. We have seen these infamous principles endeavoured to be introduced in that rising country, but they have luckily been smothered in their birth; and happy for the prosperity of that country, the wisdom of her Government saw into the danger that accompanied them, and prudently opposed their introduction. When the motion is taken under a calm and dispassionate view, their Lordships cannot, ought not to enter into any treaty directly or indirectly with France. Here his Lordship entered into a justification of the measures taken with regard to Toulon, read extracts from the Proclamation, and shewed that the conduct of Ministers under all circumstances was not only justifiable, but highly meritorious.

The Earl of LAUDERDALE said, at that late hour of the night, he had no intention to trespass long upon their Lordships' patience. Several noble Lords had wished to argue this question, as if it was (what they stated it to be) precisely the same with that brought forward by a noble Earl (Stanhope) on a former day. He contended that it was not so, neither was it just to treat it in that manner. He paid many highly deserved compliments to the able manner in which his noble friend had introduced his motion, which he was sure had made a strong impression on all who had heard him. It was now evident, and completely admitted both within and without doors, that peace was the most desirable object to all ranks of men in this country; and as they had every reason to apprehend that Ministers had not that object so much at heart, as they ought to have, every man who persevered in his endeavours to bring it about, deserved the best thanks of his country. In this light it was that he thought himself and the country so much obliged to his noble friend that night; that sort of perseverance was always proper, and in the American war finally had its effect. There was nothing novel in it, though there was in the manner which he, and those who thought and acted as he did, were treated by the supporters of the war. They were daily calumniated in the grossest manner, and every thing they said misconstrued and misrepresented to suit the purposes of their calumniators. If they mentioned the word freedom, they were accused of Jacobinism; and if they spoke in favour of liberty, they were said to defend French principles. He came forward in this House as an Englishman in defence of his rights; but he was unjustly upbraided with the epithet of a dangerous Republican and leveller; but whatever might be said of them, the same aspersions could not be thrown out against a noble Duke, who had that night come forward in so able, so manly, and so honourable a man-

ner; after a long retirement from every fort of bufinefs, prompted by his confcientious opinion that the country was in danger from the fyftem which Minifters had for fome time been purfuing, and from their mifconduct. And this manner of coming forward was a great and folid confolation for the country; what motives could they afcribe to the noble Duke? Surely none that were improper. What object can he have at coming forward at the rifk of his health, to remind you of your errors, to warn you of your rafhnefs? it is not party fpirit which has brought him here; he is not connected with any party, it is not any love or defire of office; that he had enjoyed to its fulleft extent long ago: he is not young, my Lords; he is too old to appear before you actuated by the wifh of grafping popularity; he is not dazzled by the glare of fancied glory; this is not a maiden effay which will waft him into popular eftimation. No, he comes to give additional fupport to the caufe of humanity, and with the intereft of his country imprinted on his heart, he difcharges the duty of a valuable citizen and a true patriot.

This perfeverance in the minority he trufted would not abate; the caufe they were engaged in was the caufe of humanity; and it was their duty to do their utmoft to put an end to a war carried on with an unexampled degree of antipathy, animofity, and ferocity. It had been afked what loffes we had fuftained, and the anfwer was fimple, without going into a detail of particulars. There is not an individual but has fuftained fome dreadful injury. What, my Lords, has been the fituation of thofe whofe property was in your ftocks at the commencement of the war? It is dreadful to reflect; they have loft, by your wild ambition, the fourth of their capital. And you, my Lords, what have you fuffered; you do not mifs every farthing which was levied on your property, but let the grofs fum be calculated, and you will find a fenfible diminution of your incomes. My Lords, our loffes are never mentioned; but alas, my Lords, confider that this year there are additional taxes to the amount of nine hundred thoufand pounds laid on this country; he lamented the neceffity, yet he was happy he could obferve his country in fuch a ftate of profperity as to fupply fuch an exorbitant demand. Had your Lordfhips relinquifhed your fruitlefs campaign, and had you added this immenfe fum to your finking fund, you would recover your importance in Enrope; no nation could cope with you, none could attack you with fuccefs. But, my Lords, the immediate oppreffion of taxes, the fall of the ftocks, are nothing when compared which the more ferious lofs your commercial intereft has fuftained; every thing which affects the trade of this country is ultimately an irreparable injury. What is there can af-

fect it more than these European broils? You mistook the interest of the country, when you plunged into the war; you consulted neither your honour nor your advantage; had you persevered in a dignified neutrality, the wealth of Europe would have flown into this island; you would have profited well from the contentions of your neighbours; you would have gained a noble harvest of wealth, and you would have saved your honour. And for all the losses we had sustained, what had we got, or what could we get by a continuance of the war? Would any honest, impartial man, look back to the last campaign, and say that there had been one action, the remembrance of which was honourable, or could warm the breast of an Englishman with pride in the conduct of his country? He strongly reprobated the conduct pursued with regard to neutral nations. Could we have put up with such conduct from any other nation? A noble Earl, continued his Lordship, has addressed you with free feeling, it is true; he asks you what you are fighting for: in the same breath he tells you, it is for what should be most dear, your Constitution; but my Lords, the noble Earl (Fitzwilliam) mistakes, when he asserts our Constitution is in danger; it is too well loved, it is too dear to Englishmen, to be surrendered, but with their lives. But the noble Earl should never draw a contrast between the Government of this country and the old Government of France. What was the situation of the wretched inhabitants of France, previous to the revolution? The purse-proud nobility oppressed the wretched peasantry with taxes the most severe; the Clergy and nobility fed in luxury, whilst the miserable poor lingered out a wretched existence; but the noble Earl, if he looks into this country, cannot discover the same ground for discontent, and whilst the people are happy, the Constitution will be permanent; but, my Lords, you should consider the danger, you should reflect what this country may suffer from war; take care how you introduce anarchy in the place of your Constitution, atheism in the room of your religion. The Ministers of this country seem determined to trust no Government; but when they advise you to persevere till you alter the Government of France, why do you not remind them of the losses of your merchants? the destruction of your commerce? Why do you not speak, too, in the language of humanity? Why do you not remind them of your soldiery? My noble friends around me never mention the losses of the campaign, but they trumpet forth, you are fighting for your Constitution, for your ALL. But what is this all, my Lords? Is it your property, your religion? My Lords, the noble Marquis and I have property in your country; did he suppose that property, or that religion, in any danger,

he would be the laſt man to introduce any motion; if he did, I ſhould be the laſt man to ſupport him in ſuch a motion; but you take ſhelter in another argument, the impracticability of treating with the Republic! and you found your opinions on this head from ſpeeches printed in the public papers, on declamations, altered and corrected by the caprice, and for the intereſt of deſigning men. It is abſurd for your Lordſhips to build confidence on ſuch authority. His Lordſhip then proceeded to refute all the objections made on the impracticability of treating; and argued if theſe were well-founded, it was impoſſible when to ſay that peace might be reſtored. As to the impracticability of treating on account of our alliances, he was ſurpriſed ſuch arguments were uſed at all; had we held that doctrine in our late diſpute with Ruſſia, we muſt have been at war; and if it was one of our articles of treaty not to make peace till the Republic of France was overturned, ſome of our allies could not go with us in that point. The conduct of Spain for the laſt three months ſhewed clearly that ſhe could not; ſhe had even had a Miniſter in France ſince the Republic was declared. Neither could Holland or Pruſſia agree with us if that was our ſyſtem. Much had been ſaid about the origin and motives of the war, and a variety of cauſes had been ſtated, but the preciſe object had never been mentioned. Some have ſtated it very widely—to preſerve the tranquillity of Europe; certainly then they could not mean to introduce and eſtabliſh the old Monarchic Government of France, as a means of preſerving the tranquillity of Europe—nothing could be more adverſe to that tranquillity, as we had known by experience the ambitious, intriguing, and abominable meaſures of that court ever ſince the death of Louis XIV. and particularly within the laſt ten years. With regard to what his noble friend had ſaid about America, he had not given his information to the Houſe from private letters, or any ſort of private knowledge, all that he had ſaid was founded by well-authenticated facts and reports from that country, which Miniſters, if they were true, ought not to be unacquainted with. But if we were to argue from the endeavours which France has made to corrupt the Americans by her principles, and the great provocation ſhe has given to America, ought we not likewiſe to admire and imitate the moderation, the prudence, and the propriety which America has exhibited under the able, the manly, and unexampled wiſdom of that great man who is at the head of her councils and Government, and appears the greateſt ſtateſman that the world ever ſaw? To thoſe who argued that treating with France for a ſeparate peace, would be a violation of different treaties which the Executive Government had entered into

with foreign powers, he would say, that no treaty ought to have been made by which this country was prevented from making a separate peace, when her interests required it. The privileges of Parliament would be annihilated, indeed, and we should be acting on principles not British, but truly Prussian and German, if ever we allowed the King or the Ministers to make treaties which bound the Parliament and the people of this country not to have peace till the romantic and impracticable views of those who entered into such treaties were gratified. Did I not, my Lords, feel myself exhausted, did I not find the subject discussed, I would still trouble your Lordships with one word with respect to Monsieur Chauvelin. I know of no irregularity, no impropriety of his, I have not heard of his misconduct; nor can I devise, why his name has been introduced. His Lordship concluded with reading an extract of a letter from Dumourier, which shewed that the Ministry of England were opening a treaty about the 23d of January 1793, after Ministers had refused peremptorily to treat or negociate at all with the French Government.

The Earl of CARLISLE wished it not to go abroad that there was in this country any aversion to peace. The true ground of objecting to treat was, that the proper time for treating was not yet come. Let their Lordships consider what the effect of voting such a motion would be on the other side of the water. Our enemies would believe, that we were unable to prosecute the war, and rise in their demands when we proposed peace. It could not be pretended that the war had been unproductive of advantage. The advantage of driving the French back from Holland and the Austrian Netherlands was great, the advantage of driving them out of India was also great, but more important than all the rest was, in his opinion, the advantage of cutting off all communication with France at the time when war was declared, a circumstance of the utmost importance to the internal tranquillity of this country, and which nothing but war could have so completely effected.

Lord GRENVILLE said, that whatever the real object of the motion might be, and whatever was the real intention of the noble Lord in making it, he felt great pleasure in reflecting that it would at least have one happy effect, namely, that of confirming and impressing more deeply on the minds of that House, on the minds of the whole Parliament, and on the minds of the people at large, the true, legitimate, and fundamental principles of the war, and of reminding them, by reiterated discussion of the same points, how much they had at stake in the event of it, and how necessary it was to prosecute it with their whole united strength. Impressed with this idea,

he would, late though the hour was, enter into the primary causes of the war; and, to use the very emphatical words of His Majesty's speech, entreat their Lordships to keep the origin of it in their minds. He believed, however, that there were but few who then heard him that were not convinced that it was a war, on the success of which the existence of every thing they had or valued in life depended. It was a happy reflection to him, that the country was every where disposed to meet the danger manfully; for people very justly considered, whether it were better to compound our existence, or to sacrifice, by one act, our property, our religion, and our liberties. Vary the subject (says the noble Lord) as often as you please—turn it and wind it in what form you will—this is the true state of the question', and to argue the point at any length, would be to imply a doubt of the truth of it. A noble Duke (Leeds) had in the course of his speech very naturally asked, What new ground had occurred in the space of the last few weeks to change the opinion of Parliament, which had lately gone to the foot of the Throne to pledge itself to support the war? What new measures had arisen now to hold out the idea of peace, though not a substantial one. A noble Lord had desired to know, and had challenged those who were advocates for the war to declare, whether they could, in any two words, express the objects they had in view? This challenge he was willing to accept—Nay, he would go farther, and, in one word, tell their Lordships the object—It was security.

A noble Duke had, in the course of the debate, adverted to the speech of a right honourable friend of his (Mr. Pitt,) delivered in the other House in the year 1792, in which he had congratulated the nation on the certain prospect of a lasting and advantageous peace. His Lordship said, that had his right honourable friend gone even so far as to speak with that degree of certainty stated by the noble Duke, allowance might be made for zeal, and the frailty inseparable from human opinions and sentiments. That matter, however, was totally irrelevant to the subject in discussion; for, would any man presume to compare the state of Europe in the year 1792 to its situation when the war began? There was at that time (1792) something like a Government in France. The amiable Monarch, who afterwards fell a victim to a regicidal faction, was then in being, and had some little power; and the scanty authority which he had was made use of to compose the tumultuous and hostile dispositions of those who had usurped the power in that country, and to avert the menaced hostility of the surrounding nations. At his solicitation the most friendly conduct was pursued by

the Government of this country; and there were strong hopes entertained by those in His Majesty's Councils, that this amicable disposition would have met with no interruption. The Emperor had shewn a similar forbearance, and indeed more than most powers would have done, with the hope that hostilities would be prevented. But there was a party in the Convention who were actuated by the basest principles that ever were displayed in any country. They argued, that if the King should become popular, he would at length become powerful. They therefore frustrated all His Majesty's pacific views, compelled him to discharge his Ministers, and substitute Brissot's faction in their stead; and then came on the war with Austria. Actuated by malignity and perfidy, they forced the King to abandon peace, in order the better to bring about their private ends, and establish a Republican Government. Much had been said of the manner in which Monsieur Chauvelin had been treated, and much blame had been attempted to be thrown on Ministers for their conduct in that transaction—But here, Lord Grenville said, he must avow, that their treatment of Monsieur Chauvelin, so long as he conducted himself with the discretion due to the country, was friendly, conciliating and indulgent; but from that period in 1792, when the Jacobin Faction had usurped the Government, and got possession of power, Monsieur Chauvelin left no means of corruption unattempted, by him or his agents here, to debauch the minds of the people, promote disaffection to the Government, and raise them up in opposition to the established authority of the country. These were facts, of which, though some pretended to be ignorant, almost every one knew—for which he referred to their Lordships' own bosoms, to the public opinion, and to the proclamation which His Majesty found it necessary to issue, in order to put a stop to the progress of those machinations, and to awaken the people to a sense of their danger. Such, his Lordship said, was the extent of the mischief then: but had it been diminished since? He would say that it had not, nor ever would, but by crushing the very source from which it sprung; for if sedition reared its head here, and Jacobinical principles were struggling for effects, how could it be hoped to be executed but by uniting with the factious banditti in France? How far attempts of that kind had been made, was in the recollection of every one; he had therefore the less occasion to remind their Lordships, that the followers and imitators of the French in this country had adopted the manners, the forms, the declarations, the very appellations, and every the minutest circumstance; which circumstances of themselves, without any overt acts, was ample and convincing proof of the dangerous and pernicious spirit that actuated

them. His Lordship then went into a full detail of the original circumstances that gave rise to the war, and drew the most conclusive and undeniable inferences from every part of it, to shew that the war was, on the part of Great Britain, defensive in spirit and in fact; but if none of this, said he, had passed, subsequent acts of aggression, the various decrees of the Convention carrying day after day reiterated insult and injury to this country, and followed up even to the present time, would have rendered it impossible for us to remain at peace. His Lordship disclaimed all rancour in the perseverance he avowed---declared that Great Britain alone, and her safety, was in contemplation in the prosecution of the war, and repeated that the end proposed was security. And he would not suppose that Parliament would, in such a case, call on Ministers to say in what specific matter or move that security was to be obtained: it was a thing that depended on a variety of fluctuating events, and to ask it of him, would be to make such a demand as never was made in Parliament, or in any other wise deliberative assembly. He begged their Lordships to recollect, that the present was totally different from all former wars in its origin and conduct, and must be estimated therefore by a new scale, and the question then before the House was simply resolved to this, shall the horrors of France be introduced into England? The proposition of that night was nothing short of this. A noble Lord had expressed his disbelief of the adoption of atheism by the French. Thus far he would agree with the noble Lord, that atheism had not become universal with the people there, but that it was adopted by the ruling powers, no one could doubt, for there were undeniable proofs of it. His Lordship referred for these to the proceedings of the National Convention, where the Municipality of Paris came to the bar, and made a formal and solemn renunciation of Christianity, as a religion of murder and error. Not only the whole Convention joined in execration of it, but the President congratulated them that they had, at one blow, annihilated eighteen centuries of error and superstition, and, in fine, decreed that there should be no public worship of any kind, nor any God but the Tree of Liberty! Finding, however, that this was rather too much even for France, they opened the places of public worship, but with a reservation still more wicked, insidious, cruel and tyrannical, than the original decree itself. A noble Lord had said, that the barrier of France was impregnable; and had quoted the authority of the Duke of Marlborough. "Now, "of all other authorities," said Lord Grenville, "that is the most "unfortunate and injudicious that the noble Lord could have "chosen; for the Duke of Marlborough was himself the very

" man who broke that barrier, and took the strongest part of it—
" Lisle."

Lord Grenville then adverted to what had fallen from the noble Marquis, touching the last campaign, which he had censured as unproductive of any advantage; but as facts were at all times able to countervail mere assertion, he would lay before the House the comparative state of France at the beginning of the campaign in the month of February, and at the close of it.

In February, the French were in possession of the Austrian Netherlands, had possession of Valenciennes, Conde, Le Quesnoy, and a number of other towns. They had a victorious army in Champagne, a victorious army in Savoy, and had penetrated even to Holland, where, with an army elated with unexpected fortune, and flushed with rapid victories, they threatened to subjugate Holland, and make the wealth and fleets of that Republic the instruments of descent on Great Britain; their fleet riding triumphant in the Mediterranean, and the seas covered with their armed ships. This was their state in the month of February. His Lordship then called upon their Lordships to recollect how it was at the conclusion of the year. The French drove by the gallantry of the British troops from Williamstadt, and finally out of Austrian Flanders, their commerce destroyed, and the seas cleared of their cruizers; the grand fleet in the Mediterranean destroyed, their navy crippled, and their principal arsenal rendered useless; while almost all the ports in Europe are shut against them. To all this was to be added the various possessions taken from them in the West Indies, now in the hands of the English, and their total expulsion from the Continent of India. These were successes which his Lordship contended were greater than had ever attended the first campaign of any war, and far more than a sober man could, at the commencement of it, have rationally hoped for. Lord Grenville here defended the Dutch from some insinuations that had been thrown out by a noble Marquis against their military character. He thought they had much better have been avoided, for they were calculated to do essential mischief to this country. Something of a similar nature had been said of the King of Sardinia, who had been represented as continuing the war for no other reason, than to benefit himself by the subsidy granted to him. Nothing was more false. His Majesty was an honourable man, and was perfectly entitled to the assistance granted him. His Lordship then turned to the conduct of the allies to neutral nations, which had served as another topic of crimination; and on this he was candid and explicit. He said, the intention was to prevent nations, under the pretext of an affected neutrality, from supplying

the enemy with the materials for carrying on the war; and on this subject the language of the Cabinet to those neutral powers was in a tone of moderation, good temper and firmness; and he avowed, that if, notwithstanding such remonstrances, they still persisted, the arm of war ought to be brought in aid, for it was indispensably necessary to the successful prosecution and speedy termination of the war, that such collusive underhand dealings should be put an end to. As to America, which the noble Lord had said was disposed to go to war with us, his Lordship said, that he had reason to be of a different opinion; on the contrary, he was persuaded, that if she departed from her neutrality, it would be on the side of the allies. He declared that he wished well to America, was desirous that the utmost harmony should subsist between the two countries, and earnestly wished to obliterate and wipe away, by every act of good-will and friendly intercourse, that animosity which the unhappy contest with this country had left upon the minds of that people. His Lordship here said, that there was one thing which had fallen from the noble Lord, respecting America, which astonished him beyond measure, and gave him the utmost concern, namely, that it had been the policy of the British Government to excite the savages of America to hostility against the Americans. This was a charge of so detestable a nature, and so unwarrantable an assertion, that he thought it his duty to declare it was a gross falsehood. So far from stimulating them to war with the Americans, the British officers and the Governors of Upper and Lower Canada had interfered and negotiated, and done the utmost they could to settle their differences, and to bring about a lasting peace between them. A noble Duke had observed, that this country required renovation in its church and State. This was not well said. Full of defects as it might appear to be in the eyes of the noble Lord, a clear and decided sentiment prevailed among the people to support the Constitution. This was not, at all events, the moment to adopt renovation. Nor was the country deficient in its finances, as some noble Lords had described it, comparing them with the resources of France, the finances of this country were not such as to oblige Ministers to make a forced loan, as had been done in that wretched country, where every man was obliged to pay a sum, not only in proportion to his income, but also to the whole amount of what he was worth, if it exceeded 200l. He must give in a schedule of his effects under pain of death in case it was not exact. In France there was neither money, credit, foreign commerce, nor domestic traffick; no agriculture, because there was neither money, nor hands to till the ground; all the men were forced to the armies. So far from France having a free Constitu-

tion, there exifted in it the moft pofitive tyranny. Difcontent was univerfal, and the citizens were only kept in awe by an armed force placed over them. It was the fame in all the departments. This fact was fo generally afcertained, that the motion for a peace was very falfely worded, in calling them an united nation. Lord Grenville then proceeded to examine what grounds or fecurity there was for propofing a peace, or what ill confequences muft not enfue, fhould the offer be rejected. He was aftonifhed to fee two men, fuch as the noble Marquis and the noble Duke, who had both held fuch fituations in this country, come forward and propofe a negociation without advancing one argument, or ftating any one ground on which a peace could be brought about with fecurity. Nor had they ftated what their information was which gave them hopes of fuccefs. Would either of the noble perfonages degrade themfelves fo much as to be the bearers of a propofition for peace? Or does there exift a man in France who has the power to treat with them? "I have "never, (faid his Lordfhip) known the man who could give me an "anfwer to this queftion. There is neither ftability nor confequence "in any one fet of men to treat for a peace. There exifts a power "for invafion, but no power for negociation." Barrere in his laft fpeech has faid, "Kings have afked us with whom are they to treat. "I anfwer them, let them treat with our armies on the frontiers." But there are feveral armies, and what one may agree to, the other might difapprove. I do not fay, but that there may be fome great General in an army, with whom it might be fafe to treat. But who are the Generals who head the French armies? Are they men of any note, or who are permanent in their command? Are they not rather objects of jealoufy and misfortune; paffing from obfcurity to command, and from command to the guillotine? They are fo numerous, that they pafs by like fhades. In the whole courfe of the revolution, there have been but two Generals who poffeffed any kind of power, and thefe are La Fayette and Dumourier. We all know what has been the fate of both. I therefore may fairly conclude, that there is no fecurity in treating with the armies. If any power exifts in France, it is with the moft defperate men, whofe traffic is in murder and affaffination. Befides, there are two diftinct obftacles to prevent even a negociation, much lefs a femblance of concluding a fecure peace. By one decree of the National Convention, every man is to be punifhed with death who propofes a peace; and by the other it is decreed, that the French Republic fhall make no peace while the enemy holds a foot of ground on its frontiers. Thefe are not light decrees, inconfiderately refolved on; but they are fundamental articles of their creed. What is the fituation of

the allied powers, that they are obliged to conform themselves to these new-fangled regulations? Has it not been the custom of every nation to acquire an indemnity after a successful war? Will any man say, that we are to give up all our conquests, to evacuate all the strong posts now in our possession, as a preliminary to a negociation and acknowledgement of the French Republic, its indivisibility, its equality, its liberty, and all its bombastic appellations; that we must acknowledge the sovereignty of the people, as well as their tyranny, the source of every disorder. If you do so, you are confessing the tyranny of your own Government, and the justice of theirs. What an example does this hold out to every nation! These are the concessions which must be made before a negociation can be entered on. The French provoked the war to establish a Republic; and they continue the war to preserve it; nor do they think themselves safe, till, as Barrere says, (according to what I have read in an English newspaper) the English renounce their internal Constitution. For my own part, I should feel it an honour to be considered by France as an obstacle to the establishment of their criminal Government. It is my firm opinion, that the only result of success on the part of the enemy would be, the consolidation of the Republic of France, and the consequent destruction of every monarchical Government by France. I therefore shall give this motion a more decided negative than ever I did any other since I sat in Parliament.

The Marquis of LANSDOWNE said, that he would not, at so late an hour, claim in its full extent the ordinary indulgence of the House to those who brought forward motions. His reply might be the shorter, because nearly all the arguments used against his motion, especially those of the noble Lord who spoke last, were so similar to those offered during the American war, which had been finally refuted by events, that *mutatis mutandis*, it might almost be imagined the same persons had delivered them. The same sort of representations were frequent then, the same assertions of the weakness of our antagonist, the same doubts as to whom we could treat with, and the same difficulties arising from the declarations of the Americans. But Parliament, by two short lines, had solved all these doubts, and removed all these difficulties; when they declared that they did not see a necessity for a farther offensive war with America, they virtually annulled all these harsh declarations of the Americans, and the two countries being inclined to make peace, peace was accordingly very soon had.

Ministers spoke of the flourishing condition of this country, and of its resources for war; but did they know the sentiments of the merchants and manufacturers? He had a letter in his pocket from

Birmingham, which mentioned, that 4000 perfons had been added to the poor lifts there, during the war; and even the rapidity with which our armies had been raifed and fleets manned, fpoke the decay of our trade; for, whence came our foldiers but from our manufactories, or our feamen but from merchant fhips? The true mode of giving additional fecurity to the conftitution of the country, was by preferving, or increafing the bleffings of the people. Burdens, however dextroufly they might be packed, did not lofe their weight; and there was a point, beyond which the packhorfe could not be loaded. That the French had confented to apply all private property to public ufe, which the noble Lord had mentioned, was a difadvantage to this country: fince it proved how devoted they were to the conteft. Property in this country was happily fecure, and he hoped it would always be fo much fo, that neither the noble Lord, nor any of his affociates, fhould be able to touch it. The rendering perfons of all perfuafions contented with their treatment was another mode of defending the conftitution, and, fince the Catholics had happily been emancipated, why were the poor Diffenters, in thefe times of rumoured danger, fuffered to remain in difcontent? Why not extend the trial by jury to Scotland?

Minifters inquired with whom we could treat in France? That was a fuitable object for their inquiry, whofe bufinefs it would be to treat, when negociation fhould be approved of, and there was no doubt that the proper perfons might be eafily found. His Lordfhip paid many compliments to the noble Duke who had feconded the motion; and faid, that having come down to the Houfe to vote againft the American war, fupported only by four perfons who had finally fucceeded in obtaining peace, he did not doubt to fee the fmall band, which was now united, and now fcouted as much as the former had been, perfevering, without a fingle defertion, till they had finally accomplifhed their happy object.

Tuefday, 18th February.

No public bufinefs.

Wednefday, 19th February.

The Duke of NORFOLK, on the motion for the Mutiny bill being referred to a Committee, begged to make a few obfervations, preparatory to a meafure which he fhould offer to the confideration of the Houfe in this ftage of the bufinefs. A number of Heffian troops had been landed in the Ifle of Wight, and were now there, without being fubject to the military laws of this country. They were landed without the confent of Parliament, and remained there

unſanctioned by any act of the Legiſlature. They were, as he underſtood, without diſcipline, and not amenable to martial law.— This he conſidered as highly improper; and therefore it was his wiſh to introduce into the Mutiny bill, a clauſe, founded on the neceſſity of our preſent ſituation, to legalize their being in theſe realms, and to make them, as was done in the caſe of the Scotch Fencibles, amenable to the military laws of Great Britain, ſo long as they continued there. He therefore moved, "That inſtruction be given to the Committee on this bill, to introduce a clauſe for regulating foreign troops in this kingdom, and ſubjecting them to military law."

Earl SPENCER aſſured their Lordſhips, that no man was more firmly attached to the Conſtitution than he was, and that he ſhould be the firſt to oppoſe any act of Parliament which ſhould legaliſe the introduction of foreign troops to guard this country, while the Britiſh forces were fighting the battles of Germany. This, however, was not the caſe at preſent. He had read His Majeſty's ſpeech, and found in it ſufficient juſtification of the meaſure adopted. He had no fears from the Heſſian troops. In the preſent inſtance, he thought, that the Mutiny Bill was a very improper manner of introducing the amendment which the noble Duke propoſed, and that the propoſition ſhould be made, as all propoſitions of a new and extraordinary nature hitherto have been made, firſt by a notice to the Houſe, and then by a motion, in whatever manner the noble mover thought beſt adapted to his purpoſe. For his own part, he conceived, that to make the Mutiny bill a conveyance to legaliſe the introduction of foreign troops into this kingdom, and to warrant their continuance there, was not conſtitutional; and on that ground alone, he ſhould wiſh the noble Duke not to preſs the motion.

The Duke of NORFOLK replied, that if Miniſters would give him any aſſurance that they meant, in any ſhape, to ſanction the landing of theſe troops, by a motion in Parliament, he ſhould not perſevere; but if it was intended to let the matter reſt as it did at preſent, he ſhould certainly proceed, and take the ſenſe of the Houſe on his motion.

Lord GRENVILLE thought it would be better to ſuffer the bill to go into a Committee, and their Lordſhips might uſe their diſcretion as to any clauſes that might be propoſed. He had another reaſon for wiſhing this mode to be adopted, which aroſe from the conſideration of a ſubject which ſtood for diſcuſſion on Friday next, namely, the queſtion of legality in landing the Heſſian troops. Poſſibly, the event of that debate might facilitate the diſcuſſion of the

noble Duke's motion; and perhaps it might appear more eligible to bring in a bill for that purpose.

Lord THURLOW confessed himself to be unable to give his opinion on this very important question at present, as there was not before their Lordships an iota of information on which to form an accurate judgement. He was sure the noble Duke had no intention to take the House by surprise, and thought a measure of such importance as the noble Duke considered this to be, ought not to be brought into a Committee on the Mutiny bill; nor could he imagine the justice of introducing it by a previous motion in the House, which motion was to bind the Committee to adopt it, thereby making them but a mere cypher. If the measure intended by the noble Duke was a just one, the only true, proper, and constitutional method that offered, was to move for a bill, and to give previous notice of what were the principal heads of that bill. By these means the legality of landing the troops would come into open and fair discussion: whereas by the present mode, a new matter of great importance, which in a great measure altered the law of the land, was to take its origin by way of amendment to an old law, though it was a law annually passed.

The Earl of LAUDERDALE denied the legality of landing the Hessian troops, and could not therefore countenance any measure which had a tendency to legalize either disembarkation or continuance. He attacked the Ministers for bringing into this realm foreign troops, contrary to the spirit and letter of the constitution. He inveighed against that system of Government which resisted all inquiry into the real cause of the landing of these troops, and wondered much at their refusing to say for what purpose the Hessians were intended, to what expedition their assistance was requisite, how long they were to continue, what their numbers were, and whether those numbers were to be increased? Foreign troops in this country, unsanctioned by Parliament, were dangerous innovators. They were ever held to be so, and at this moment particularly to be dreaded. His voice, he said, was for the liberties of the people, and the security of the rights of mankind; and he could not see those rights invaded, without doing his duty, in opposing that which he deemed to be dangerous. He thought it rather strange, and indeed suspiciously to be apprehended, that His Majesty's Ministers should prefer having foreign troops to protect this realm to the native citizens of the country, and he could not but blame that measure which sent Englishmen to shed their blood in defence of Germany, whilst foreigners were imported to guard the realm of Great Britain. He therefore thought that something should be done

which might bring these foreigners under the subjection of the military laws of this country; at present they were not amenable to them. He wished to know what was the purport of their taking up their residence at the Isle of Wight, for Parliament was wholly uninformed on the subject. There was not a single document on their Lordships' table to prove to what end their landing pointed, or what benefit this country was to reap from their arrival.

Lord GRENVILLE referred the noble Earl to His Majesty's speech, as a document which proved that the matter was before the House, and reminded him of the motion made for the agitation of this question next Friday, when probably he might more fully learn from the tenor of what would be said on that day, how far the landing of these troops was legal. What caused their disembarkation on the Isle of Wight, had been fully explained by a noble Baron (Rawdon) a few days ago. As to the motion intended by the noble Duke, he conceived it to be highly improper—it was a sort of challenge to the anticipation of the debate on Friday next, and seemed as a kind of lure to draw out before the time what were the grounds on which those who supported the measure meant to found their arguments. It was taking the House by surprize. As to his own opinion, on the subject of landing these troops, it was clear; and he had not a doubt but every fair and candid man, who valued the liberties and constitution of his country, would see it, when the subject came properly before the House, in the same point of view.

The Duke of NORFOLK again requested to know, if Ministers meant to bring forward any bill or motion to legalise the landing of these troops.

Earl STANHOPE said, he beheld with surprise and astonishment the recent extension of the royal prerogative, and with alarm and indignation the blasphemous doctrines lately supported in another place. He was clearly of opinion, that notice should always be previously given before any matter of importance was agitated, that the Lords might be duly summoned, as was the usage of Parliament; but in respect to the present business, he had this to say, that he thought His Majesty's Ministers acted most unconstitutionally. He had heard it averred by a Minister, that the landing foreign troops in this country, without the consent of Parliament, was *constitutional*, and he had heard it treasonably asserted, that this was the prerogative of the Crown. He called it *treasonable*, and he would define what Judge Blackstone said of treason.—It was a felony, in which the person who killed the traitor was justifiable—justifiable homicide, said the noble Earl—but if the traitor killed the citizen who in such case attempted his life, it was murder.

For his own part, he said, he would defend the liberties of the people against all traitors to the Constitution, at the hazard of his life and fortune--and he cared not who they were.

Lord GRENVILLE said, he did not know to whom the noble Earl alluded, when he spoke of treasonable practices. He agreed with him that traitors ought not to survive their treason to the Constitution. He was convinced that there were in this country certain disaffected subjects, who would readily pull down that venerable fabric, which was the envy and admiration of the world; but he saw no necessity for enacting new laws for its protection, those already in force being sufficient to punish their impotent attempts to violate it. As to the legality of landing the Hessians, he should soon have an opportunity of justifying that measure on constitutional grounds.

The Earl of LAUDERDALE called on the noble Secretary of State to come forward boldly, and point out the disaffected persons alluded to. He pointed out the danger of such mysterious allusions, and thought it incumbent on the noble Secretary of State to give that House all the information which his official situation enabled him to do; for although they were not all confidential servants of the Crown, they were all equally the guardians of the Constitution.

Lord GRENVILLE replied, that the number was insignificant, and the cause weak; and that as the present laws of the land were sufficiently adequate to punish the offenders, it was totally unrequisite to form any new act on that subject. Some of the inferior delinquents had already been brought to punishment by their country.

The Duke of NORFOLK withdrew his amendment, as he understood the matter was to be argued on Friday, which he did not understand was to be so, until it fell from a noble Earl (Stanhope).

Thursday, 20th February.

No public business.

Friday, 21st February.

The Earl of ALBEMARLE said, it would appear very singular, that so young a Member of the House as he was, should undertake a task of such magnitude, as that of examining and censuring the conduct of Ministers; but the right, nay, more, the duty of every Member of that House to watch with a jealous eye every act that tended to extend the prerogative of the Crown beyond its legal limits, and every encroachment on the liberty of the subject, was

what he was sure the House would agree with him in admitting; a violation of the laws of the country was a point which particularly called for their interposition, and in this light he considered the act of landing a body of Hessian troops, without the consent of Parliament; but though he did not think it at all necessary to assert that this had been done, as it must be well known to every noble Lord present, one thing he thought it right to premise—that what he meant to say on this occasion, would not interfere with the expediency or the necessity of the measure, but to combat the legality of it. In order to prove that it was strictly illegal, his Lordship read that part of the Bill of Rights which related to the subject before the House; the Bill of Rights he considered as a declaratory law, and, in this particular, it expressly states, that the King cannot keep up a standing army, in time of peace, without the consent of Parliament. His Lordship said, he was aware that he should be told that what he had just read was inapplicable, inasmuch as the words of the bill were, in time of peace, whereas the measure was adopted in time of war; but he would the more contend, that what was deemed by the spirit of the Constitution to be illegal in time of peace, ought to be deemed still more illegal in time of war; and that Ministers should be more cautious to infringe the laws at that time, than at any other. The next proof upon which his Lordship meant to establish the illegality of the measure was, the Act of Settlement. The Act of Settlement states, that it shall be illegal for any person, not born in England, Ireland, or Scotland, or their dependencies, except such as had been naturalised, or were born of English parents, to hold any trust, civil or military. This, therefore, is directly against the measure that has been adopted, for the troops landed in Great Britain were commanded by foreign officers, which was a military trust; and which trust the Act of Settlement made it illegal to exercise; the landing and keeping the private soldiers was also made an illegal act by the Mutiny Bill. These, his Lordship said, were strong points, and such as he conceived would establish the illegality of the measure; and he had therefore prepared a bill of indemnity for those persons who had advised His Majesty to it; but before he moved for its being read, he should examine the precedents of this case, as he was perfectly aware it was the usual practice in supporting a bill. These precedents were to be found upon the Journals of the House.

His Lordship then ran over the precedents of 1745, 1756, 1775, 1782, and 1784, upon each of which he made some remarks. In 1745, when the country was threatened with an invasion, and a number of foreign troops were landed, the King had

sent a message to Parliament, expressive of the circumstance; but such was the jealousy which their Lordships' ancestors manifested on that occasion, that in the year 1746 they entered into a formal protest against the measure. [Here the noble Lord read the protest, which was couched in strong and nervous language, expressive of their jealousy of the measure.] In 1756, His Majesty again made a requisition of foreign forces, and at that period His Majesty's Ministers thought fit to give notice to Parliament. In 1775, a motion was brought forward for the purpose of empowering His Majesty to send foreign troops to Gibraltar and Port Mahon; the motion was lost by an evasion, as it was said by the Ministers of that day that Gibraltar was out of the kingdom; but such was the opinion of several noble Lords, some of whom he expected would support his motion, that they entered against this measure also a strong and manly protest. His Lordship next adverted to a bill of indemnity introduced at that day; it passed the Commons, but had been rejected in the Lords, because the preamble ran thus, in the usual form, "whereas *doubts* having arisen"—But their Lordships, struck with the word *doubts*, objected to the bill *in toto*. For to admit that, was, in some measure, to admit the justification of Ministers at a future period, if they had the temerity to advise His Majesty to such a measure, without the previous consent of Parliament. Such of the noble Lords who approved of this measure in 1775, would not, he hoped, desert him now, and, by violating the Constitution, add to their conduct the charge of unjustifiable inconsistency. Much had been said of the impropriety of agitating the question at the present period, but, in his mind, the more dangerous the period, the more strict should their Lordships be in preventing any improper stretch of the prerogative of the Crown. The next precedent to which he would call their Lordships' attention was that of 1782, which he explained. The precedent of 1784 was, when the Hessian troops brought home from America were landed in the Isle of Wight, in consequence of the river Weser being frozen, which rendered it impossible to send them to their own country till a thaw took place. The Earl stated what had been the proceeding in that case, and shewed that His Majesty's Ministers brought down a message to the House, informing Parliament of the circumstance and of its cause. There was one precedent which he had forgot to state in its place, and that was, a resolution of the House of Commons in the year 1641, in these words—"Resolved, that any person who shall recommend to His Majesty to employ foreign troops within this realm, shall be

deemed an enemy to the Conſtitution and the country, and puniſhed as ſuch." Upon this his Lordſhip meant to ground the juſtice of the bill, and ſaid, he was feelingly ſenſible that it was in very weak hands; but he doubted not but that ſome noble Lords would in the courſe of the debate give ſuch clear and unanſwerable arguments in ſupport of the bill, that would more than compenſate for his inability; no one, however, was more convinced of the neceſſity of the bill, and he had a right to expect the ſupport of thoſe who in 1775 thought the meaſure illegal by their proteſt, unleſs they were of opinion that what was unconſtitutional then was conſtitutional 19 years after. He begged their Lordſhips to conſider, that if they threw out the bill they would eſtabliſh a precedent extremely dangerous—it would authoriſe the King to employ at any time an unlimited number of foreign troops in Engliſh pay, without the conſent of Parliament; and ſuppoſing that (which for the happineſs of the country was quite the contrary) a vicious Prince were to come to the throne, he would have it in his power to introduce into the kingdom as many troops as he pleaſed, and then overturn our glorious Conſtitution; and he would aſk, what would then become of the boaſted liberty of Engliſhmen? This was a conſideration which, he truſted, would have due weight with their Lordſhips.

His Lordſhip, after concluding his ſpeech, brought in a bill of indemnity, agreeable to what he ſtated in the preceding part of his ſpeech. The preamble being read by the clerk at the table, and Lord Kenyon from the woolſack,

Earl SPENCER ſaid, as there was no queſtion before the Houſe, the bill being read a firſt time, he did not ſee how their Lordſhips could proceed farther in the debate.

Earl of KINNOUL (Lord Hay) made a ſimilar obſervation.

On the ſuggeſtion of Lord Lauderdale, the Earl of Albemarle moved, that the bill be read a ſecond time on Monday next.

Earl SPENCER wiſhed to underſtand how the queſtion ſtood, as he did not correctly conceive what the queſtion was.

Earl of KINNOUL (Lord Hay) made a ſimilar obſervation.

Earl STANHOPE explained, that the bill having been read a firſt time, the queſtion before the Houſe was, that it be read a ſecond time on Monday next.

The Earl of LAUDERDALE roſe to ſpeak to order. The queſtion, his Lordſhip ſaid, was, through accident, irregularly put. It ſhould have been, "That this bill be read a ſecond time;" and the time when it ſhould be read a ſecond time, put, after that queſtion was diſpoſed of, as a diſtinct and ſeparate queſtion. This

correction was admitted on all hands, and the motion stood, "That this bill be read a second time."

Earl SPENCER congratulated the House and the noble Earl, for having begun his political career with sentiments that reflected the highest honour on him, those of watching with patriotic jealousy the spirit of the Constitution, and guarding the liberties of the English people. He also gave the noble Earl credit for having stated the precedents very correctly, and if the present instance was a violation of the laws, or deviation from those precedents which the noble Earl had quoted, he would very readily second his motion; but he conceived the circumstances of the present case could not be looked upon in that light: he therefore defended the measure, because it was neither against the letter of the law, nor contrary to the spirit of the Constitution, to demand it. His Lordship went over the same grounds which the noble Earl had done before. The Bill of Rights was not violated in this case, because though he allowed it to be a declaratory law, and that he thought it might apply in times of war as well as peace, yet it particularly forbid the keeping a standing army, without the consent of Parliament.—The Act of Settlement did not affect it, because the troops now in England were no more than an armed people stationed at different places. The officers did not command in their present state, and therefore they held no trust. His Lordship thought that of all the precedents mentioned by the noble Earl, two were only applicable, and those were in 1782 and 1784, in the last of these (1784) a message was sent to acquaint the House, that a body of foreign troops were ordered to be landed on some part of Great Britain; the troops were taken into British pay, they were come from America, and were going to the place of their final destination, but could not reach it on account of the frost, but would re-embark the moment the season would permit. The present case was just similar, the Hessian troops taken into British pay had come to the place of rendezvous, off the Isle of Wight, their destination was not known, and if it had, Ministers would have been very wrong to have published it, still a message had been sent to the House, declaring their arrival, and the reason of their landing, viz. preventing sickness among them; in what instance then had the law been violated. With regard to the resolution of the House of Commons in 1641, he did not conceive it could apply to the present case; it was not an act therefore, nor a law; but he thought it the less worthy of notice, as it took place before the Revolution, from which time only the Constitution had taken that glorious form which it had retained ever since. The noble Earl had said, he

expected the support of those who protested against the employing foreign troops in 1775; as he was not in the House, he could not tell the particular reasons for the protest; but from the information he had acquired on the subject, he was led to think he would have voted for the address on that occasion. But if noble Lords were not to deliver their opinions freely, for fear of betraying themselves into inconsistencies, there would be an end to free discussion; the day on which the King's message was sent in 1784, on the subject of foreign troops, presented a very striking instance of inconsistency, which operates directly against the noble Earl's reasoning. A body of Hessian troops were disembarked in time of peace on the emergency of the Weser being frozen. The King's message was sent down to the House of Commons on a memorable day, on the 12th of January, 1784. On that very day the House of Commons came to a vote, "That His Majesty's Ministers had not the confidence of that House," and yet, though thus apparently able to pass any resolution they might think fit, the measure of the introduction of foreign troops was passed over in silence. The spirit of the present motion clearly was, that the King should not keep an army in this country, without the consent of Parliament previously obtained. This would be true, if it were either stated or believed that he kept this army for the purpose of using it. If any man were to assert that His Majesty could use those foreign troops, or any troops in actual service, without the previous sanction of Parliament, he would be the first to impeach that man. It was the right and bounden duty of that House to watch the conduct of Ministers in this respect, and it was certainly true, that their vigilance was most demanded in dangerous times, when innovations might be most successfully attempted. But he saw now no violation of law or the Constitution in the present act: when troops were thus landed, to justify the act, it was essential they should have a foreign destination, it was essential that their residence should be temporary, and above all, a prompt communication to Parliament was essential, to justify the introduction of foreign troops:—all these essential points were found in the conduct of the present measure. Now, unless their Lordships could believe that all this was meant as a blind, they could not, in his mind, think that any act on their parts was necessary. He would not hesitate to declare, that it was beyond the reach of the prerogative to introduce foreign troops to quell domestic disorder, to take any share in our garrison duty, or to make a permanent residence in the kingdom, without the sanction of Parliament; but their introduction on an emergency, and under the modifications which he had stated, was clearly not against law,

and wanted no indemnity. The House had never thought fit to come to a decision on the point, and he confessed he thought it an advantageous thing in our Constitution, that our very dearest rights and privileges depended on very nice and minute distinctions, which, by being frequently brought into discussion, engaged and interested our warmest affections, and fixed them deeply on our hearts.

Lord AUCKLAND declared, that he would meet the discussion of all constitutional topics in that House with the greatest respect, and in doing so, he could not say more than that he entirely approved of what had fallen from the last noble speaker. He contended, that so far from the Constitution being in any respect violated or altered, that the people of this country felt its beneficial effects in the highest degree. He had heard of no law which proved the illegality of landing foreign troops; but if he was disposed to enter at large on that question, he would take up that *dictum*, and would argue, from the spirit of the Constitution, that the conduct on the part of Ministers, which gave rise to the debate, was just and proper. Here his Lordship entered into an argument, that as the Constitution was silent on the point of emergence which required the landing of foreign troops, it was fair to argue, as it spoke fully on other points, that on this, it left the matter to the wisdom of the Executive Power. It had been said, that such an unbounded prerogative of the Crown might be employed by a vicious Prince, to over-run the country with foreign troops. Fancy was often employed to give imaginary danger to the exercise of the royal prerogative: but could any individual lay his hand on his heart, and say, that there had any improper or dangerous use been made of that prerogative? In times of danger, like the present, it was wise to have confidence, rather than suspicion, of the discretionary power of the Crown, exercised through the Ministers. After a declaration of war, he contended, that it was dangerous to disclose to the enemy the number, or the force of our troops, whether foreign or domestic. Who was there, he asked, who would venture to say, that in the present instance, Ministers had any dark design? and if they had not, who was there that would not acknowledge the impropriety of discussing the present question, which should be left as it was found. On these grounds he would conclude with moving the previous question.

Lord ROMNEY said, that perhaps he should have given a silent vote upon the question, but for an expression which fell from the noble Lord who spoke last. It was his lot nineteen years ago (in the year 1775) to make a proposition in another place against the introduction of foreign troops. He did not think the present a fit

case to call for an act of Indemnity; but though he should vote against the bill, he must declare his utter dissent from the noble Lord who spoke last, "that the introduction of foreign troops was not illegal." The doctrine was contrary to every idea he had of the Constitution; he had ever maintained it as a certain position, that the introduction of foreign troops into this country, or the keeping any troops in it without the consent of Parliament, was illegal, and in which opinion he had not the shadow of a doubt but he should always continue. In the present instance he did not even like to vote against a Bill of Indemnity, and wished that the question might be got rid of by the order of the day.

Earl SPENCER said, the noble Lord might move to adjourn, which would put the question aside for the day, and it might or might not be taken up again.

Lord GRENVILLE thought, that, from what had already been said, there was little necessity for him to take up the time of the House; yet he could not reconcile himself to give a silent vote upon the occasion. That the prerogative of the Crown did not extend to the right of keeping a foreign force in this country, during the time of peace, he was ready to admit; but that did not imply a case of necessity might not arise, in which His Majesty's Ministers might feel it absolutely requisite to admit them, and this he conceived might be done without the smallest breach of our valuable Constitution. Now what was the precise case now before the House. If nothing new, nothing irregular had been done, no Bill of Indemnity could be required. The precise question was, whether the act of landing a small body of Hessian troops destined on a foreign service, which was retarded by accident, whose health required that they should be so landed, and of which landing, notice had been given to Parliament as early as possible, was illegal? This was the accurate state of the question. Now as all the prerogatives of the King were to be executed under the responsibility of his Ministers, it was the province and duty of that House, to examine the exercise of each prerogative, to censure, and to punish when exercised without sound discretion, but they would not, he conceived, be ready to question and arraign prerogative itself. They would not presume abuse, they would not lay it down as a maxim, that where there was prerogative there must be abuse of it. All prerogative was inconsistent with liberty, for discretionary power lodged in any hands for any purpose, must be incompatible with the general right of a community living under equal laws. What then was the conduct of Parliament with respect to the prerogatives of the Crown? not to presume that they were to be abused! For the very prerogative of mercy itself in that

case would be liable to suspicion. It might be converted into the means of persecution; a man corruptly set on to violate the laws, against the life or property of a person obnoxious to Government, might be grossly and unjustly pardoned; in such a case, an impeachment of Ministers would be the consequence, Parliament would punish the abuse of the most shining prerogative, that of mercy; but they would previously suppose the abuse of it. To keep an army in England without consent, was contrary to law; but to introduce a body of troops merely on an emergency, and to communicate the same to Parliament, was consistent with practice, and regarded as a sound exercise of the royal discretion. The Crown indeed could not keep up a standing army in this country, as the standing Counsel of the nation, the Parliament, held a full security against it, namely, the army could not be quartered, disciplined, nor paid without their authority: what then was to be apprehended from the admission of a few foreign troops, in a case of necessity, avowedly engaged for foreign service, and who could not possibly act here? The danger certainly could be none, and therefore it appeared the more strange that an indemnification should be thought necessary for those whom no man could fairly charge with having done wrong. Certainly Ministers held a responsibility for the advice they gave the Crown; and he thought that it was inconsistent with the pure principles of the Constitution to suspect them of having done wrong, unless a specific charge could be brought forward; and while that was not the case, and their actions were approved by His Majesty, confidence was their due. He certainly differed with the noble Lord who brought this motion forward, as to the conclusion he had drawn from the precedents which he had referred to, they appearing to him to bear the direct reverse. In the introduction of this bill, the arguments did not seem so much to apply to the case which was said to give rise to it, as to the investigation of an abstract question; and here he agreed most cordially with the noble Lord (Auckland) that, as the kingdom had so long flourished in the manner it stood at present, we had better leave it for our successors in the same manner we had received it from our ancestors, and hope they might enjoy the blessings of our Constitution as we had done, indeed he did not approve the investigation of any abstract question, as little benefit could be derived from such discussion. He had before said, that whatever right the Crown might have to order the landing of foreign troops, under certain circumstances, in this country, the power of their being employed in it rested entirely with Parliament, therefore it must be evident these particular troops must be intended for foreign service; but it would be absurd in him to pretend or attemp

to impose upon their Lordships, that if a serious attack was really made upon this country, His Majesty would not be advised to employ them to repel that attack; but then he knew, and was ready to confess, that could not be carried into effect without another application to, and the sanction of, Parliament; and here was the great security the people held against any unwarrantable stretch of the prerogative; for, if the Crown could bring them, it was from the Parliament, and the Parliament alone, they could expect to procure subsistence and be authorised to act. After referring to the different treaties which had been mentioned, he concluded by trusting the House would consider the implication inferred was unfounded, and consequently the bill was unnecessary.

The Earl of LAUDERDALE said, before he expatiated on the strange doctrines which he had heard, he could not forbear complimenting his noble friend and their Lordships on those patriotic principles, and that eloquence which he had manifested in his opening speech, principles congenial to those of his noble relation (Lord Keppel.) He congratulated the House on the hopes and expectations which it must have from the talents of the noble Lord, who had cast a new light on a subject that he conceived had been exhausted in another place. His Lordship, adverting to the question in debate, said, he could not agree with the noble Lord (Spencer,) that this was an improper time to bring forward the question. It had been said that their Lordships had received sufficient information from His Majesty's message; but this he denied, as the message was undefined. He considered the present hour as proper and seasonable for the discussion of the matter before the House, as it was full time that their Lordships should be satisfied on a point so essential to the Constitution. The message, he confessed, which brought intelligence of a body of Hessian troops being landed in this island, struck him with curiosity and alarm. On this subject he sought from the noble Secretary that information which he had a right to expect, but could not obtain any satisfactory explanation. He wished to ascertain with accuracy the number and the destination of those troops? whether they were intended for internal or external service? But inquiry failed, and no information could be gained. A body of foreign troops, contrary to the laws of the kingdom, had landed without consent of Parliament: this unconstitutional, and, he would add, unprecedented act, had agitated the public mind, and sent serious opinions abroad. The question was now before their Lordships, and was of the highest concern to the country; for his part, he did not see why it should not become an abstract question, as other questions had (as in the case of the regency) in order that

the Public mind might be informed and satisfied. It was full time that it should, when a doctrine so dangerous to the Constitution as this doctrine of prerogative, was held out in one House, and countenanced in another. In such a crisis silence was criminal. The noble Secretary of State has said, that no discussion on prerogative, at this period, should be brought forward. In this point we are again at variance. He had a right to examine and watch over the Constitution of the country; and however ineffectual those endeavours might prove, impartial posterity would do them justice. The noble Secretary had trod with more than usual caution on the subject he had taken up. He sounded his way before he explored the depths, and seemed, from consciousness of the badness of the cause, to despair of what he aimed at, and wished to obtain. The doctrines promulgated that day certainly demanded the measure proposed by the noble Mover. He wished that the health of the venerable Earl Camden would have permitted him to come down that day.

Lord Viscount SYDNEY called to order. It was irregular to mention any noble Peer by his name.

The Earl of LAUDERDALE. Their Lordships would all recollect that on the very similar question to this, the venerable Peer Earl Camden had said—

Lord Viscount SYDNEY said that it was one of the standing orders of the House not to mention any individual Peer by name.

The Earl of DERBY said, that to satisfy the noble Viscount the standing order might be read, and then the noble Viscount would find that the order was not to mention any noble Peer in his presence.

The Earl of LAUDERDALE said, that it was not wonderful that the bare sound of the name should be unpleasant to the noble Viscount; and merely in regard to the noble Viscount's feelings he would spare him the repetition. But that venerable Earl had said that they wanted no lawyers from Westminster Hall to teach them the Constitution on this point; it was engraven on every particular heart. He then adverted to the purport of the motion, and said, that on a liberal interpretation of the Bill of Rights, there was no difference between the landing of foreign troops, either in peace or war. This principle was recognized by our Constitution, and was the spirit of the bill which was attempted to be perverted. The wise plan of our ancestors had infused into the Bill of Rights a general principle, which provided better for posterity on unforeseen occasions than if it had been limited and tied up for partial and particular purposes. His Lordship here quoted precedents in order to enforce his statements, and said that the very principle of the Mutiny bill applied equally to war and peace. The Act of Settlement,

by which the Bill of Rights was explained and confirmed, explicitly declares, that no foreigner is capable of any civil or military truſt. The act of George I. leaves not a ſhadow of doubt on this point, when it expreſsly ſays, that no foreigner, naturalized, can be employed in a military capacity. It is but reaſonable then, that the country ſhould be alarmed, when troops in crowds were brought into the kingdom. His Lordſhip then took a view of the precedents quoted, and contended, that every precedent down to 1782, would bear him out in his argument, and irrefragably prove, that this prerogative of introducing foreign troops into the realm was not a prerogative of the Crown. He ſhewed by the letter of each meſſage, that ever until the preſent inſtance, the communication had been in ſufficient time to enable Parliament to take meaſures againſt the landing, if they thought it unſafe, or improper: here the thing was done without giving them time for ſuch meaſure. But it was ſaid the Crown could introduce troops without their conſent, provided they were not exerciſed and diſciplined. Was it then to be gravely argued that the Crown poſſeſſed the curious prerogative of landing at pleaſure armed banditti? For ſuch muſt all troops not ſubject to diſcipline be. He could not keep native troops without the Mutiny law; but he could keep foreign troops; and the violation of the moſt ſacred compact, with reſpect to the regulation of the ſtanding army, was neceſſary to the exiſtence of this prerogative. But it ſeems the Crown might land troops without previous communication; without aſſent; he might do this to any amount, but when here, they could not be employed but with the ſanction of Parliament! and ſo Parliament were to ſee the introduction of troops with perfect quiet, becauſe afterwards they might diſpute the uſe to which they were to be put! He did not highly approve of arguing the caſe with 30,000 armed logicians. He was glad that the queſtion had been diſcuſſed. He was glad that it would go forth into the world, and that men would ſee that the queſtion had not been argued in that Houſe with the lofty tone, with which it had been diſcuſſed in another place.

Lord HAWKESBURY ſaid, that the doctrine laid down by the Secretary of State was in exact conformity with the meſſage delivered from the Throne, nor had he gone any farther than that meſſage which the Houſe had already voted an addreſs of thanks to His Majeſty upon. At the time that it was firſt thought of to require the previous ſanction being given by Parliament, before the King by his prerogative could bring foreign troops into the kingdom, it was when King Charles I. and his Parliament were completely at variance; but that never could be argued as a precedent in the pre-

sent case. He lamented, that upon this debate an abstract point had been introduced. The various acts of the Legislature, and the universally-received principles of common law, were sufficiently clear upon this, as well as upon every other part of the Constitution, without calling on Parliament upon every occasion to ratify them. To state the point abstractedly, there was no doubt that the King had not a right to introduce them, without the consent or contrary to the opinion of Parliament: but that principle was not to be taken in so strict a sense as to preclude the possibility of a case arising, in which the exercise of such a power might be justifiable at times when Parliament was not sitting; an emergency might happen, which might render the introduction of foreign troops advisable before Parliament could be consulted upon the subject. In such a case the King's Ministers were resposible for their conduct to Parliament. The Act of Settlement which had been so often mentioned, certainly contained a clause that no foreigner or other, not a natural-born subject of this country, can hold any place of trust, civil or military, under Government; but he agreed with the noble Secretary of State that those Hessians were in no situation of military trust; and though the illegality of maintaining foreigners as an army had been admitted, there still was no express law against it. He considered the bill of Indemnity as unnecessary in the present circumstances, and therefore would vote against the second reading, particularly as the measure on all hands seemed to be justified by the necessity and emergency of the case.

Earl STANHOPE expressed himself very much satisfied that his noble relation, and another noble Lord much connected with Administration, seemed so little inclined to favour that monstrous, horrible and unjustifiable doctrine that had been laid down in another place. It had been elsewhere stated by persons high in official situation, in the broadest and most unequivocal manner, that the King, by his prerogative, had a right not only to land as many armed foreigners into this country, either in time of peace or war, as he pleased, without the sanction of Parliament—without any previous notice to Parliament, or even against the avowed sense of Parliament, and to march them wherever he thought proper. All he would say upon this point was, that he was happy to have an opportunity of repeating what he had said on a former day, that if ever the Minister, or any Minister of this country, attempted to practice the doctrine that had been stated, he trusted and he was sure, it would be resisted with that violence which it called for. He could not help differing very widely from a noble Lord (Auckland) who had argued that it was legal for the King to introduce a

foreign army into this country, and at the same time he admired the finesse of the noble Lord, who, finding that the bare mention of such an opinion was not relished by the House, attempted to get himself out of the scrape by arguing negatively that it was not illegal. The noble Secretary of State did not go so far, but he seemed to think that the legality of keeping a foreign army in this country depended upon the manner in which it was to be employed, because, said that noble Lord, it would be illegal to employ those troops, without a second communication from the King to Parliament, stating in what manner they were to be employed. Thus the noble Lord did not wish to carry the sublime Tory principles of prerogative, which had been dwelt upon in another place, so far. In this way then these noble Lords did not differ with those with whom he agreed that night; they allowed that there was right by prerogative, at the same time that they argued there was no law against landing these foreign troops; so that this was all the difference between them, as to which, the *onus probandi* certainly lay with the other side. He and his friends had asserted, and would maintain, that no such prerogative did exist, either in common law, or statute law; the *onus probandi* therefore must lie with those who said that such prerogative existed. He quoted Hale to ascertain that what is called the statute law took its date in 1189, and all the law before that period, being founded on usage merely, was styled the *lex non scripta*, or common law. He next quoted Blackstone, to prove that the first standing armies in Europe was in France in 1445, which made it necessary to guard against the dangerous consequences of a standing-army; and this being several centuries after the commencement of the statute law, it was impossible that the common law could at all apply. He then came to the precedent of 1775, when foreign troops had been landed, and it had been found indispensably necessary to come to Parliament to obtain its sanction, and a bill for quartering these troops. This certainly proved that, without the sanction of Parliament, they could not be kept in the kingdom, for by passing a bill to quarter them, Parliament gave a sanction to bringing them, because they might have been brought without being billeted, but they could not have been billeted without being brought. He had heard a noble Earl (Spencer) with great attention and equal surprise, because he had always thought that noble Earl a friend to the Constitution. With surprise he had heard the noble Earl desire the House to look only to what had happened since the revolution, and not to look farther for the Constitution of this country; and that all before was fitter for a discussion in an Antiquarian society than that House. In this he differed widely from

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the noble Earl, and confidered that not an iota of our Conftitution was altered by the revolution, but merely eftablifhed. Had we not the Trial by Jury, the Liberty of the Prefs, Magna Charta, and the Habeas Corpus, before the revolution? And here he could not help recurring to the authority and words of a noble and learned perfon whofe name had been often alluded to in the courfe of the debate: that noble Lord had faid, that we gained nothing by the revolution, becaufe he very wifely confidered the bill of Rights only as declaratory. The noble Secretary of State had mentioned the ftanding council of Parliament as a juftification of any meafure, however illegal, that might appear to the Executive Government neceffary or expedient; but he would afk where was this ftanding council during the recefs of Parliament? As to precedents he confidered them as nothing, particularly when argued as they were that night. It had been argued as precedent, that illegal meafures had been taken in many inftances without any notice being taken of them by Parliament; but upon this idea Minifters might do juft as they pleafed, for he believed there was nothing fo bad, fo illegal, or fo enormous, but there might be a precedent for a fimilar crime without its being noticed by Parliament. He concluded by giving his hearty affent to the motion, and thanks to the noble Earl for bringing it forward. He was for the bill of Indemnity, though he might perhaps agree that there was nothing fo criminal in the meafure as he could call punifhable.

Earl SPENCER explained that he meant the revolution as eftablifhing the Conftitution.

The Earl of CARNARVON faid, that he confidered the bringing in, or maintaining a foreign army in this country to be totally illegal and unconftitutional.* But he faw nothing in the prefent cafe that called for a bill of Indemnity. He profeffed himfelf to be againft the introduction of abftract queftions; the prerogative of the Crown had better be left as we found it. The prefent bill he confidered as truly ridiculous; and to prove it was fo, he begged leave to ftate a fuppofed cafe, for this bill, if it meant any thing, was to preferve the Minifters from the dangers of an impeachment. Now fuppofe there were a number of foreign troops engaged for an expedition, and that one divifion of them fhould be wrecked on the coaft of Suffex, and the other, from long confinement on fhipboard, were threatened with an alarming diforder, and the Minifter fhould advife their being fuffered to land: in both thefe cafes he would be equally criminal for having fuffered them to be on fhore; and the impeachment muft run fomething in this form, "Whereas "the Minifter did cruelly and wilfully confent to fave the lives

" of sundry men who were shipwrecked; and whereas, with the " like cruel intent, he assisted in restoring to health certain other " men, &c." Now could any man find him guilty for such crimes? and if he could not be found guilty, it was an absurdity to think of an indemnification. What in such a case would their Lordships think if any person brought in a bill of Indemnity—how would they receive it? Certainly, if to be followed up by an impeachment, it would be such a one as could not for a moment be listened to.

The Earl of GUILDFORD said, he was happy that the subject had been treated by his friends in such a manner, as to render it unnecessary for him to go so much at large into it, as he otherwise would have done. He was clearly of opinion, that no foreign army could legally be landed in this country, and that no argument of expediency could justify any deviation from the principles of the Constitution. Some noble Lords, too fond of precedents seemed to argue that every deviation which had been overlooked by Parliament, was as much in their favour as if there had been an existing law on their side. He then begged to call the attention of the House to the ingenious manner in which the act of Settlement had been attempted to be evaded by the noble Secretary of State. The noble Lord had said, they were no army, nor in any military trust, because to make them an army three things were necessary, to discipline them, to clothe them, and to pay them, which could not be done but by Parliament, and from thence had argued as if to lay the order for bringing foreign troops before Parliament without any notice whatever. In this manner King James II. might have brought into this country a sufficient number of French troops to have prevented us for ever from enjoying the blessings which we have, and he trusted long would enjoy under the mild Government of the illustrious House of Brunswick. Some noble Lords had stated a bill of Indemnity to be the same as a bill of Impeachment: he thought there was a wide difference. As to what had been said about the message from the Throne being sufficient for the Executive Government to act upon, he would conclude with observing, in the words of Lord Coke, " that the King's message was gracious, " but what is the law of the land?"

The Duke of PORTLAND said, that he considered the bringing of any foreign troops into this kingdom and keeping them was illegal and unconstitutional. At the same time, he saw nothing in the present case that made a bill of Indemnity necessary, for the reasons that had been stated by several noble friends of his, who had spoken before; the only one he could add was, that there having

been before Parliament for the two last sessions subsidiary treaties with the Landgrave of Hesse Cassel, containing clauses that provided for the landing of Hessians in this country, if circumstances made it necessary; they were therefore sufficiently apprised of what had happened, and could not consistently now refuse their sanction. He saw no sort of danger from the landing the Hessians at this time, under the circumstances which brought them to their present temporary station. "No man," said his Grace, "would more firmly oppose any measure which militated against the Constitution than I would. I have always been its friend, and shall ever remain so; and in the present instance, I conceive myself serving my country when I object to any measure which might ultimately tend to give any obstruction to the operation of the forces so justly combined, employed, and armed against the present maniacs of France."— These considerations induced his Grace to vote against the motion.

The Earl of CARLISLE agreed exactly with the noble Duke. He wished noble Lords had not introduced the abstract question; but as it had been introduced, he would not hesitate to declare, that he thought there could be no doubt that the introduction of foreign troops, without the consent of Parliament, was unconstitutional and illegal, at the same time he conceived the nature of the case to be such as to render any bill of Indemnity unnecessary and improper. He compared it to the case of 1776, when a famine was dreaded and Ministers had acted without the sanction of Parliament; a bill of Indemnity was then proposed, and was refused by Earl Camden.

The Marquis of LANSDOWNE said, that when he came down to the House he did not know in what manner the question was to be taken up; not from any neglect of the noble Earl's who brought it forward with so much honour to himself, and credit to his friends, but from indisposition and the different avocations which he had to attend to. He complimented the noble Earl as having made his first appearance in that House in such a manner as he never recollected to have been equalled by any young Lord. He had shewn most clearly the necessity for that discussion, for which the House and the country owed him their particular thanks. From all he had heard he was happy that it had been brought on, not as a party question, not as an abstract question, not as a political question, but as one of the most important that could possibly be argued in that House, because it was intimately connected with the existence of the Constitution of this country. An attempt was made to avoid such discussions as unnecessary, because to agitate doubts upon a subject where there really were none, some noble Lords thought was dan-

gerous; he thought it no more dangerous than if any of their Lordships was to consult a lawyer about the title of his estate, when it was not challenged; and as to being unnecessary, that day's debate was a complete answer. His noble friend had gone upon the best grounds, and taking all the circumstances, argued as they had been, what could be so proper a way of bringing the question before the House as by a Bill of Indemnity? the best, the most inoffensive, harmless, and proper it certainly was. As to precedents in such a case, he paid but little attention to them, for they had always seen that the use made of precedents, was to suit to the purpose of those who used them in debate, and were so convenient to the times in which they were brought forward, that they often saw at different conjunctures, the same precedents differently applied. A striking instance of this was the seven years war, from 1756 to the peace of Aix-la-Chapelle, which cost this country seventy-eight millions of money; and he was old enough to remember that both Houses of Parliament were unanimous in their sentiments and votes during the whole of that war, though after the peace in 1763, they were as unanimous in reprobating the system upon which it proceeded. Another curious sort of precedent had been made use of by Ministers and their friends in that debate, which was considering every illegal act that had been committed and overlooked by Parliament as a sanction for similar crimes and errors. Now the fact is, that Parliament has overlooked perhaps a great deal too much; but God forbid that that should be made a precedent why they are to do so still; and what else but this does your Bill of Rights contain, a mere declaration of rights that had been neglected, and therefore a declaratory law. He had not particularly referred to the precedents, but from what he had heard since he came into the House he would take them in the order they had been introduced. He did not recollect whether his name was or was not at the protest in 1782, but his mind was perfectly made up on the subject, and he gave it most explicitly, "That without the previous consent and sanction of Parliament, the King could not bring legally a single man into this country." His Lordship then went over the different precedents of 1741, 45, 56; at last, 1775, a bold and proper stand was made against the practice, which was followed up in 1782. The last precedent, that of 1784 was fresh in their memories, but whatever blame might be ascribed at that time to Ministers (the present Ministers by the way) that was a time of much confusion, and not to be used as a precedent now. There were, however, much higher and stronger reasons for his giving his vote for the motion that night; this pretended right had been compared to different branches of the

King's prerogative, his power of pardon, and *veto*: but here there was a material difference; those were powers given and acknowledged; but the power of introducing foreign troops into this country either in time of peace or war, without the consent of Parliament, never was given. Other doctrines of a nature equally curious had been used, and an attempt made to place the Executive Power of the Crown and the Parliament, as plaintiff and defendant, upon which Ministers built their grand argument of responsibility: in short, they are to do what they please, and tell us, we don't wish for an act of Indemnity; if we have done wrong we are responsible. And this sort of doctrine, attended by the supposed influence that Ministers ought to have, had a wonderful effect in softening and conciliating majorities in both Houses of Parliament. He was extremely sorry to hear some noble Lords treat Bills of Indemnity as idle absurd wrong measures, that seldom had been or ought to be used. He must remind noble Lords, that they had not always thought so; not long ago, when the country was threatened with a famine, and numbers found it indispensably necessary to act illegally, very great and curious discussions took place; and when it was mentioned only to be a temporary measure for ten days, a Bill of Indemnity was insisted upon, and it was properly said that ten days are as bad as ten years: if the law is infringed upon by Ministers, from whatever cause, a Bill of Indemnity is necessary, and this applied to the noble Earl's argument of shipwreck. Though he rejoined in this discussion, he still said that there was something left in the wound; he wished to have it perfectly cleared away. Ministers and their friends cannot argue the legality; that they admit; but as is the case in all questions of prerogative, one says he thinks, another believes, and still nobody can make out the precise extent to which they wish to carry their maxims of prerogative, till finding they have carried them too far, they begin to lower them and lower them one after another, till they get a man who is eloquent enough to deny them quite, and is altogether angry if any one dares to say that ever he could have thought, or said so. That conduct was not new in public, political Assemblies. He was truly happy that his noble friend had done, what he had a good right to do, to strike a bold blow at that system. The phalanx ought to be shook, and he had shaken them in an honourable and manly way. With regard to employing these Hessians, he would ask, supposing the Isle of Wight, or any place in this country where they are, was attacked and threatened with invasion, would they employ them without the sanction of Parliament? Perhaps it might be wise at the moment to do so, but let them do it at their peril; they knew they could not do it.

If this country was at any time likely to be in that situation, they were unfit to be Ministers who could not provide for its security: we had plenty of resources within ourselves for our protection, and if our militia was not sufficient, let us call home our troops that were abroad. He made some remarks about augmenting the militia as in 1782; and after alluding to Lord Hawkesbury's opinion about employing mercenary troops, in his late publication, concluded by considering this question of equal importance, as the trial by Jury, Habeas Corpus, or any other essential branch of the Constitution, and gave his hearty assent to the motion.

The Earl of MANSFIELD declared, that he would not suffer the principles that impressed his mind to be warped by what he had heard in the House. He formed his judgment, not by abstract and theoretical propositions, but by the practice of our ancestors in the purest times. It did not appear to him possible precisely to define what was the particular extent of the prerogative of the Crown in this or that peculiar instance, because, as the prerogative itself was nothing more than a discretionary power lodged in the Crown for the common benefit of the kingdom and the King's subjects, the wisdom, expediency, and necessity of its exercise, depended altogether on the nature of the emergency which called it forth, and of the extent of that emergency Parliament were to be the judges. The King's Ministers were undoubtedly responsible to Parliament for the whole of their conduct; and the question at all times, when the prerogative of the Crown was made use of, would be, not, whether Ministers had a right to use the royal prerogative, but whether the occasion justified the manner in which they had exercised it. The Earl said, he could not agree with the noble Marquis in many of his opinions, nor with the noble Earl near him (Lord Lauderdale.) After what had been heard, there was but little occasion for him to say any thing respecting the precedents of former times; he would content himself, therefore, with adverting to the precedent of 1784, which had occurred in the time of the present Ministers, and must be fresh in all their Lordships' minds. Noble Lords must remember, that the time to which he alluded was a period in which Ministers were not likely to pass unwatched, nor did their conduct stand much chance of escaping censure, if it had been thought that censure was deserved. For his part, he saw no shadow of violence to the Constitution in the transaction of 1784, nor did he perceive any shadow of violence to the Constitution in the recent instance of landing the Hessian troops, and therefore he should vote against the proposed Bill of Indemnity.

Lord GRENVILLE said, he could not let the debate go off without taking notice of some things that had passed in the course of it. His Lordship reminded the House, that the practice of introducing foreign troops into this country had prevailed in every war, or in almost every war, subsequent to the revolution, at which period the liberties and Constitution of this country had certainly been ascertained. A noble Marquis, he observed, introduced much extraneous matter into his speech that night, through which he did not mean to follow him, but he could not help regretting that the noble Marquis should so unnecessarily have introduced the subject of the internal defence of this kingdom, and the mention of a neighbouring island, when he must be aware that allusions to that island, however cautiously made, could be attended with no good whatever, but must necessarily be likely to lead to mischief. To return to the question before the House: he assured the noble Marquis that His Majesty's Ministers did not wish to ask advice from those, who had declared themselves enemies to the present just and necessary war. In such discussions as the present, endeavours were frequently used to lead Ministers into the delivery of abstract opinions upon constitutional points; endeavours which he thought should be spared; for certainly it was sufficient for Ministers to shew that their practice was constitutional, without committing themselves upon questions not connected with it. And since it was allowed, that the Constitution itself consisted more in precedents and practice than in written rules, the practice of Ministers might, with greater reason, be taken both for the standard of their opinions, and for the limit of inquiries concerning them. If they were ready to defend that practice, and could shew that it was in every instance constitutional, their conduct was sufficiently justified, and their opinions upon abstract questions could not be necessary to their defence. Yet, though he saw no necessity, in general, for the delivery of such opinions, and had no wish to make distinctions between his and those of other persons, he would state his sentiments, as to the introduction of foreign troops into this country. He was of opinion, that the maintenance of a foreign army in this country, whether during peace, or war, without the consent of Parliament, was illegal; that, when foreign troops were introduced, without the previous consent of Parliament, the legality of the measure would depend upon the necessity of it; and that, after their introduction, Ministers should advise His Majesty to cummunicate the circumstance of their arrival to Parliament, as soon as possible, that Parliament, by consenting to the measure, might sanction the legality of it.

The Duke of BEDFORD said, he did not mean at this hour to trespass long upon the House. Every noble Lord who had spoken in the debate, had agreed as to the illegality of the measure; not one had endeavoured to say otherwise. He was therefore surprised that the noble Secretary of State had followed up that opinion by very ambiguous arguments; and the other noble Lords who were satisfied as to the illegality, contended very unaccountably, he thought, against the Bill of Indemnity. Now he would ask any one of those noble Lords, whether, if he really thought Ministers had done wrong, he would have voted for a Bill of Indemnity?— From what he had heard that night, he did not think any of them would. A noble Duke justified the measure by a reference to treaties; but the noble Duke would find that the clause upon which his argument was founded, only allowed the landing of those Hessians in a case of necessity, which nobody ever mentioned to be the case. He wished much that this argument might be abandoned, because if not, it gives the King an absolute power to bring as many Hessians as he pleases, and land them when and where he pleases. He was ashamed to say that he did not know the exact number stipulated on the treaties, but as the King makes all treaties, he may as easily stipulate for a hundred thousand as ten thousand; yet would any man say that such a treaty gave him a right to bring them into this country? The Secretary of State had been clearer in his statement with regard to the employment of these troops, but he never would have such implicit confidence in the present Ministers, or any Administration, as to allow to the King the prerogative of introducing into this country any number of foreign troops in peace or war, without the previous sanction of Parliament, upon the mere assertion of Ministers as to the manner in which they were to be employed. A noble Earl had supposed the case of sickness or shipwreck, and had mentioned the coast of Sussex and the Isle of Wight; but this was a shallow pretext; a hundred thousand might be as liable to sickness as ten thousand, and thus we might have a very formidable army of sick Hessians landed in their way from one side of the country to the other. Much had been said about the impropriety of starting the abstract question; he was rather pleased that it was started, because he considered the illegality of the measure decided and admitted by all. For these reasons he would certainly vote for the second reading of the bill.

The Earl of SCARBOROUGH said, that in the present instance he should decline voting at all; he was clear with respect to the constitutional doctrine, but thought the circumstances of the times were such as required a personal confidence to be placed in Ministers.

The question being put, there appeared,

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Lord GRENVILLE moved, " That this bill be rejected."

The Earl of LAUDERDALE argued, that the decision upon the question for the second reading of the bill, was a sufficient rejection of it; and was observing, that, in the other House of Parliament, when the second reading of a bill was negatived, an express motion for the rejection was never made, when

A noble Lord said, that it was disorderly to suppose that House bound by the proceedings of the other.

The Earl of LAUDERDALE replied, that he had no such supposition, but was stating the practice below, merely for the purpose of throwing light upon the present question.

Lord GRENVILLE thought warmth extremely unnecessary upon such a subject, as the first decision sufficiently rejected the bill, he was very ready to withdraw his motion.

Upon the motion of the Duke of NORFOLK, it was ordered, that the House should be summoned for Tuesday, when he intended to move for the re-commitment of the Mutiny bill, for the purpose of introducing a clause into it, for subjecting the Hessian troops in this country to the regulations of the bill. Ordered.

PROTEST

Of Earl STANHOPE, upon the rejection of the Earl of Albemarle's motion (on the 21st of February, 1794) respecting the introducing of foreign troops into this country, without the previous consent of Parliament.

Dissentient.—First, Because " It is contrary to law for the Crown to keep an army in this kingdom, either in time of peace or in time of war, without the previous consent of Parliament." And it is essential, that this important constitutional principle (which was unequivocally admitted in the debate) should be for ever maintained inviolate in this country. And the friends of public liberty ought ever to bear in memory the admirable vote of the House of Commons, on the fifth day of May, 1641, when it was resolved, " That this House doth declare, that whosoever shall give counsel or assistance, or join in any manner, to bring any foreign force into the kingdom, unless it be by command of His Majesty, with the consent of both Houses in Parliament, shall be adjudged and reputed a public enemy to the King and kingdom."

Secondly, Because the annual Mutiny Bill is a proof, that the Crown cannot perpetuate or assume a prerogative, which Parliament annually bestows; nor exercise at its own discretion that power, which the Legislature specially limits.

Thirdly, Because it is a most dangerous doctrine, that the Crown has a

right (by virtue of an "*undefined* prerogative,") to do any act which is not warranted, either by common, or by statute law, under the frivolous pretence of its appearing to Ministers to be useful. And the supineness of Parliament, in the reign of King JAMES the second, when so many acts, notoriously illegal, were committed by the Crown, and yet passed unnoticed by the two Houses, clearly proves, that, from the want of vigilance in certain Parliaments, precedents may be established, subversive of the first principles of national freedom.

Fourthly, Because the maintaining of a foreign army on the establishment, or within the territory of this kingdom, is in open defiance of the very act of Parliament, which settles the Crown on the present Royal Family (namely the 12th and 13th of William III. chap. the 2d.) which expressly enacts, "That no person born out of the kingdoms of England, Scotland, or Ireland, or the dominions thereunto belonging (although he be naturalized, or made a Denizen, except such as are born of English parents) shall be capable to enjoy any office or place of trust, either civil or military." And the act of the 29th George II. chap. the 5th, is a proof, that the Legislature deemed a special act of Parliament necessary, to enable the King to employ even a limited number of subaltern foreign officers in America, only under certain restrictions and qualifications.

Fifthly, Because "Foreign mercenaries have always been unuseful, or dangerous to those who employ them. Their conduct at first, has generally been peaceable and ensnaring; at last, seditious and destructive. And those States, that have carried the points which they intended, by their assistance, have usually in the event, been enslaved by them."

And Sixthly, Because a prerogative in the Executive power, to introduce any number, without limit, of armed foreign hirelings into any country, without the previous and express consent of the Legislature, is totally incompatible with any form of a free Constitution. For, not only that Government is tyrannical, which is actually tyrannically administered; but that Government also is tyrannical (however administered,) where there is no sufficient security against its being tyrannically administered in future. And I solemnly protest against a measure, which tends to endanger the rights and liberties of my fellow citizens, of whom I consider myself only as a trustee. STANHOPE.

PROTEST

Against the rejection of the Indemnity Bill, for the landing of troops in this kingdom without the consent of Parliament; which was moved by the Earl of ALBEMARLE.

I. Because, with the exception of only one noble Lord, not one of His Majesty's Ministers, it was in the debate unanimously admitted, that the keeping in this country troops, whether native or foreign, in time either of war or peace, without the consent of Parliament, is unconstitutional. And as it was also admitted unanimously and unequivocally, that the troops in question are here upon grounds of fitness and expediency; and as the consideration of fitness and expediency, though they render, and, in fact, in the present instance do render, not only justifiable, but highly meritorious, do in no degree so change the nature as to make it more or less constitutional.

II. This bill, though of a nature to be very sparingly adopted, yet was of particular propriety; for in a matter of great moment, it declared the law, saved the Constitution, and did justice to the motives of the Executive Government.

III. Because the stopping of this bill leaves the troops here, without any consent of Parliament.

IV. Because the effect of the declarations by which the right of the Crown so to keep troops here was disclaimed, however strong, general, and unequivocal, is yet transitory and fugitive; but the fact that troops are so here, is notorious and recorded; and when the motives which justified, and the declarations that reconciled to the House the measure, are forgotten, may be turned into precedent.

RADNOR.

Tuesday, 25th February, to Friday, 28th, inclusive.

No public business.

Monday, 3d March.

Lord AUCKLAND said, that having observed a Protest had been put on the journals by a noble Lord, (Lord Radnor) in which it was stated the admission of foreign troops into this country, without the previous consent of Parliament, had been unanimously admitted to be illegal, with one exception only, and conceiving that exception alluded to him, he hoped their Lordships would permit him to move to have the exception expunged, since, if he was right in the application, his words must have been misunderstood.

After having desired the Protest (for which, vide the Proceedings of Friday, February 21,) to be read, which was accordingly done, his Lordship then moved, with the approbation of the noble Earl who had signed the Protest, that the words, "with the exception of one noble Lord, not one of His Majesty's Ministers," be expunged.

Earl STANHOPE declared, he was glad to find that no one individual Peer was audacious enough to assert that it was legal and constitutional for the King to keep foreign troops in the kingdom without the consent of Parliament. He rejoiced, therefore, at the course of proceeding then before the House, as it would stand on the journals, and prove that no one noble Lord ventured to maintain that it was legal to keep foreign troops without consent of Parliament.

Lord AUCKLAND replied, that the noble Earl had given a turn to the proceeding then before the House, that did not belong to it. There was something in the noble Earl's expressions, which seemed to convey an idea of the present motion, as if it were in some degree a recantation of the opinion of a former day. His opinion, as he had pronounced it, and as their Lordships would recollect it, had no reference to the keeping troops in the kingdom, whether with or without the consent of Parliament. His position was, "That he was not prepared to say it was legal, but he did

not know, nor believe it to be illegal, for the King to land foreign troops in this kingdom in time of war: that this was a part of the prerogative, to be exercised, as in other cases where the law is silent, for the benefit of the country; that, like every other exercise of the prerogative, it is to be justified to Parliament, by the expediency or emergency of the circumstances." Farther reflection had convinced him that this doctrine is accurate and constitutional. At the same time he felt no difficulty in declaring, that foreign troops, so brought by the King, cannot be kept in this country, either in peace or in war, without the consent of Parliament. The distinction between the two positions of law was plain and obvious. In disclaiming the one, which he never had asserted, he did not mean to relinquish the other, or to depart from it in any degree.

The question was then put upon his Lordship's motion, which was agreed to.

Tuesday, 4th March, to Friday, 7th March, inclusive.

No public business.

Monday, 10th March.

The Earl of GUILDFORD gave notice, that he would on Tuesday se'nnight bring forward a motion on the treaties made between foreign Powers and this country, since the commencement of the war, and moved, that on that day the House be summoned.

The Earl of LAUDERDALE adverted to the conduct of Lord Auckland, who, on a former day, had come down to the House, and, without any previous notice, moved, that such part of Lord Radnor's Protest as related to him, should be expunged from their Lordships' Journals. He congratulated the noble Lord on having recanted from his doctrines, respecting the landing of Hessian or foreign troops in this country, without the consent or approbation of Parliament; but he would not hesitate to say, that though he might have considered what was contained in the Protest, as it originally stood, as an indelible stigma on his character, still, however, the mode he had pursued upon this occasion called for his animadversion. Had the House been regularly summoned, his Lordship said that he would not only have argued that the landing of the Hessian troops was illegal, but would have denied what had been conceded in the Protest, that it was expedient. But if noble Lords could make such motions without due notice, the most solemn decisions, and the minutes of that House, might be altered at pleasure. He contended, that such conduct was unparliamentary, and contrary to

the rules of the House, which some noble Lords, on other occasions, were so ready to consider as sacred and unalterable.

Lord AUCKLAND said, he would only offer a few words on the subject, as there was no question before the House, he did not feel that he was called upon to answer the noble Lord's suggestions. The House was respectfully attended when he made the motion alluded to, and was not taken by surprise; and it was done with the consent of the noble Lord who signed the protest. He said, that he did not depart from the assertions which he made when the subject of foreign troops arriving in this kingdom, was debated before their Lordships on a former night. He still persisted in the arguments that he had used on that occasion; they were such as he did hold, and would hold; but he conceived, that the insinuations contained in the protest, were such as were not altogether justified by what had fallen from him in debate. When the noble Lord therefore attributed his conduct to a change of sentiment, he begged leave to assure him and the House, that not the least change had taken place; he still retained his former opinion, and believed he should die with it.

Lord SYDNEY said, that the conduct of Lord Lauderdale was the most extraordinary he had ever witnessed: he found fault with the House, for having done something in his absence, which it should not have done but when he was present. He was not in the habit of protesting against the opinion of the House, like some other noble Lords: But did he wish the words of the protest to remain as they originally stood? He supposed that the House must alter what it has done, in order to suit his Lordship's taste and opinion.

The Earl of LAUDERDALE replied, that he had only once introduced a motion in a full House, and that he was accused of taking it by surprise. He said, Lord Sydney had not lately been in the habit of entering protests on their journals; but he remembered the time when, in another place, he was as warm and zealous a protester as any Lord in that House.

The order of the day being read,

The Bishop of ROCHESTER rose for the purpose of making the motion respecting the slave trade, of which he had given previous notice. He said, that three sessions of Parliament had passed since the business respecting the slave trade had been brought before the House, and he at present saw no probability, from the mode of proceeding pursued, of its being brought to a conclusion for a long time to come. In the year 1792, the question for the hearing of Counsel, and the examination of witnesses first came before the House, and it was determined that they should be examined at the Bar of the House. He was then one of those who voted for their

being so examined, and he did it in hopes that those noble Lords who had not made up their minds on the business, might have a more early opportunity of being convinced of the impolicy, as well as of the inhumanity of continuing so shocking a traffic. For his own part, he did not feel the want of a farther examination of witnesses, his mind was made up.—The experience of three sessions had produced very little progress. The witnesses who had already been examined, he believed he might venture to assert, without the dread of contradiction, bore no manner of proportion to those that are to be examined; and therefore, unless some mode could be adopted for expediting the business, it would never be brought to a conclusion: when it was first brought before the House it had been agreed that two days in every week should be dedicated to it; but even in the first session that agreement had been broken through, and in the succeeding session the business had been continually put off from time to time, and when brought forward it was always after the House were tired by attending to other business which had preceded. In the present session, either from the additional weight of business occasioned by the war, or from some other cause, it had not been brought forward at all. It was certainly equally an object to those who were for a continuation of this traffic in human blood, as to those who thought an abolition of it both a measure of policy and humanity, to have a speedy determination on it; but going on as the House has hitherto done, it does not seem probable the evidence will be gone through, or the House be prepared to give an answer to the Commons on the business, even by the time which they have fixed for the termination of this horrid trade; it therefore behoved their Lordships to adopt some more speedy mode of procedure; and he was of opinion, that if the farther examination of witnesses, and hearing of Counsel, were referred to a Committee up stairs, it would considerably expedite the business, for the Committee could meet at a much earlier hour, and dedicate much more time to it than the House could possibly do; he therefore moved, That the farther hearing of Counsel and evidence on the slave trade, with the evidence that has already been taken, be referred to a Committee above stairs.

The Duke of CLARENCE desired that the order of the House, with regard to the mode of conducting the examination of evidence on the slave trade, might be read; this having been done, his Royal Highness took notice of two amendments that had been made to the original motion by a noble Lord who was at the head of the Commercial interests of this country, and another noble Lord near him (Lord Mansfield). From these he argued the great attention of

the Houſe to the object when it came originally before it, and how improper it would now be to make any alteration in the mode of conducting the buſineſs. He therefore inſiſted that the motion made by the right reverend Prelate, had already been determined; and that he himſelf had voted for the preſent mode of proceeding. His Royal Highneſs, notwithſtanding the inſinuations of delay, verily believed that the buſineſs had proceeded as rapidly as the other buſineſs of importance then pending would poſſibly admit. It was to be recollected, that this country is not now in that ſtate of profound peace which it was at the time the ſlave trade was firſt agitated. We are now at war, and conſequently the time and attention of the Houſe muſt be taken up, and with buſineſs of a more temporary and important nature. As to the ſlave trade not having been brought forward at all this ſeſſion, it was a matter of delicacy to the right reverend prelate, whoſe ill health preventing his attending his duty in Parliament, from which he had intereſted himſelf in this affair, was thought a ſufficient reaſon for delaying of it; he could not, therefore, but expreſs his ſurpriſe, that, on the very firſt day upon which the right reverend Prelate was able to attend the Houſe, he ſhould bring forward a motion of ſuch a tendency. The colonies could not be cultivated but with ſlaves—this was a commercial country, and, though a very young man, he was convinced that the moſt ſtrict attention ſhould be paid to it. In this view the trade was of the higheſt importance, for this country is benefited 24,000,000l. a year by her Weſt-India trade, an immenſe number of ſeamen, no leſs than twenty five thouſand, are employed in it, another matter of the firſt conſequence, and upwards of 70,000,000l. is embarked in it by the ſubjects of this country. Theſe were reaſons that would weigh with their Lordſhips, to give the buſineſs their moſt ſerious conſideration, beſides, it was brought before them by the Commons of Great Britain, and under all theſe circumſtances, he thought it incompatible with the dignity of the Houſe to refer it to a private Committee; beſides it was bringing the buſineſs upon the Houſe at a time when it would be the leaſt convenient for their Lordſhips to attend a Committee—at a time when the aſſizes were holding, and it muſt be the wiſh of every noble Lord to attend the aſſizes in his own county. His Royal Highneſs ſaid, that great attention was due to every thing which came from ſo reſpectable a body as the Commons of England, but ſtill their Lordſhips muſt judge for themſelves; and he would never conſent to ſubſcribe to the opinions of others, while his own judgement was ſupported by evidence. His Highneſs concluded by aſſuring the Houſe, that his fellow-ſubjects abroad, as well as at

home, expected from their Lordships a full and a solemn investigation of the business, by which alone their property and rights could be secured to them. That House was looked up to as the guardian of the rights of the subject: its decisions were held in great respect; and he hoped it would ever maintain that honourable conduct in all its proceedings which had so justly procured it the esteem of the country.

The Bishop of ROCHESTER declared, that he was not apprised that the business had been postponed in consequence of his indisposition; but still persisted that their Lordships would facilitate the business considerably by voting for his motion. He was strengthened in this opinion by contemplating the vast quantity of business which required, in various situations, the attention of His Majesty's Ministers.

The Earl of MANSFIELD said, as he had been particularly alluded to in the debate, he thought it necessary to observe, that the House had already granted the prayer of the petitioners, and could not now alter its conduct with respect to the mode of proceeding in the business. He asked, should matters of the smallest moment be heard at the Bar of that House, and would their Lordships send an affair of such magnitude to a Committee above stairs? He thought that would not leave a very great impression on the public mind, of the justice and honour of the House. He would not give his consent to the referring so important an object to a Committee. Besides, the examination already had at the Bar, must in that case be submitted to that Committee, and it was certainly impossible for them to judge of what they had not heard.

Lord GRENVILLE felt it his duty on the first impression, to declare, that he did not think that the time of His Majesty's Ministers could be occupied by any circumstance of greater importance, than the question before the House. In his mind the country was deeply interested in the result of their Lordships' proceedings; but he did not see how it would be derogatory to the dignity of the House, to accede to the motion made by the reverend Prelate. For his own part, he would act with delusion were he to say, that he had not made up his mind on the subject. The report of the Committee of the House of Commons, and the opinion and decision of the Council, left him no room for doubt on the occasion. The House of Commons had at first examined evidence at the Bar, but, finding the inconvenience of that mode of proceeding, had at length referred it to a Committee. His Lordship could see no difficulty in that House also leaving the business to a Committee, either to collect evidence, or to report upon it; for, as the proceedings were

printed, a Committee could judge as well as their Lordſhips of the merits of the queſtion, and might ſit for ſeveral hours before the Houſe proceeded on other buſineſs, and thus diſpatch it without delay. His Lordſhip did not wiſh to anticipate the judgement of the Houſe; but if, like the other, they ſhould be of opinion that the trade was contrary to humanity and policy, they would not heſitate to ſay ſo, whatever might be the conſequence to thoſe concerned in it.

Lord THURLOW was ſurpriſed at ſuch a motion being brought forward at this time; for what would it be ſaying to the gentlemen concerned? All parties ſeemed to agree that this was one of the moſt important ſubjects that was ever brought before that Houſe; and yet it was propoſed to refer it to a Committee, in the ſame manner as was done with the moſt trivial matter. He had always been in the habits of conceiving, and he was much miſtaken if the Journals did not warrant his concluſion, that whenever any matters of great national magnitude were brought under conſideration, it was the uniform practice to give them the moſt ſolemn and ſerious attention, and which could only be done at the Bar of that Houſe: this their Lordſhips had alſo agreed to, in the preſent inſtance, for two ſeſſions, and now it was propoſed to alter the mode. What did that imply, unleſs that they did not now conſider it of that importance, or that they were tired of it; an impreſſion he hoped would never be given by that Houſe to the public. The abſurdity alſo to him appeared apparent, for it recommended the farther examination of witneſſes, &c. Did it mean, by way of expediting, that they were to begin again, and go through all their Lordſhips had already done? for, if otherwiſe, the evidence would conſiſt of two diſtinct parts, and he did not ſee how they could be united. The Bar of the Houſe was the only proper place in which the buſineſs could properly be proceeded in, and therefore he ſhould oppoſe the learned Prelate's motion; and alſo becauſe he did not believe the adopting it would be attended with any expedition; for would any noble Lord ſay, that their engagements were ſuch as to prevent attending, if brought on in the Houſe, and yet enable them to attend in a Committee up ſtairs?

Lord GRENVILLE ſaid, the evidence being daily printed, it would be of little conſequence to the deciſion, whether it was taken up ſtairs, or at the Bar of the Houſe.

The Biſhop of LONDON obſerved, that while the noble Lord adverted to thoſe perſons who had embarked their property in the Weſt Indies, their Lordſhips would feel that there were fifteen millions of Africans pleading at their Bar, and that every year of

delay was subjecting perhaps 80,000 of those poor creatures to what the House of Commons had termed a trade of blood, murder, and rapine.

The Earl of KINNOUL (Lord Hay) declared himself equally the enemy of unnecessary delay, and improper precipitation, but where so much property was at stake, too much caution, he thought, could not be used, and on this ground he would oppose the motion.

The Earl of ABINGDON said, that the House being already fully in possession of his sentiments upon the subject at large, he rose, upon the present occasion, for the purpose only of one observation, and which was this; that this motion being for the *translation* of this business from the House *below* to a Committee *above* stairs, he was not at all surprised that such a proposition should come from a right reverend prelate, who, as a philosopher (of the Brisotine school too, as the right reverend Prelate himself had professed), as a politician, a scholar, and divine, must necessarily know and be best acquainted with the nature of *translations* of every kind; and therefore repeated, that he was not at all surprised at such a motion coming from such a quarter. But, said his Lordship, thinking as he did, that instead of *translating* this business *up* stairs, it ought to be *translated* out of the House—or, in a cant phrase, perhaps better known to their Lordships, instead of kicking this business *up* stairs, (as is sometimes said of the Lords Lieutenants of Ireland) it ought to be kicked *out* of doors,—he should certainly give his decided negative to the motion.

The Earl of GUILDFORD said, he had formed his opinion from a careful attention to the most masterly discussion in another place that any question had ever received. It was too evident that the examination of evidence at the bar of the House might extend to the period at which another branch of the Legislature had decided that the trade ought to cease, and then it would be a very aukward and embarrassing circumstance. At a time when their Lordships were convinced that the trade was inconsistent with policy and justice, they might be called upon to allow some thousands more of the unhappy victims of it to be carried away, that the system might not be abolished too abruptly.

The House divided on the motion;

Contents 14; Not Contents 42.—Majority 28.

Tuesday, March 11th, to Monday, March 17th, inclusive.

No public business.

Tuesday, 18th March.

The Earl of LAUDERDALE begged to know from the Minister, whether he meant to submit to the consideration of the House those directions which were sent to the Lords Lieutenants of counties, as he considered it as a matter of the highest importance to the nation, and what ought to be communicated to the House before the measure was adopted.

Lord GRENVILLE replied, that whatever was necessary, proper, and parliamentary, should be done; but that if the noble Earl meant that a communication of the business should now be made, he, for one, should resist any motion to that effect.

The Earl of LAUDERDALE said, that these letters sent to the Lords Lieutenants were unconstitutional and dangerous, and called for the immediate interposition of Parliament, and he should therefore move for all the Lords to be summoned for Tuesday next.

Lord GRENVILLE said, that the measure alluded to was neither unconstitutional nor dangerous, and that, before it was put into execution, it would be laid before Parliament for their concurrence.

The Earl of LAUDERDALE was not satisfied with this explanation, and therefore the House was ordered to be summoned for Tuesday.

The Earl of GUILDFORD rose in consequence of the notice which he had given; but before he should speak on the subject upon which he had taken the liberty to have their Lordships summoned, he moved the reading of the several treaties existing between Great Britain and the confederate powers. The titles of the several treaties were then read, and are as follow: The Treaty for the Extension of Commerce between the Empress of Russia and His Majesty; the Treaty of Alliance with the Empress; the Treaty with the Landgrave of Hesse Cassel, for subsidising 8000 of his troops; a second Treaty with the Landgrave, for supplying his Majesty with an additional corps of 4000 men; a Treaty with the King of Sardinia; a Treaty with the King of Spain; a Treaty with his Sicilian Majesty; a Treaty with the King of Prussia, a Treaty with the Emperor of Germany; a Treaty with the Margrave of Baden, for subsidising 754 of his troops; a Treaty with the Queen of Portugal; and a Treaty with the Landgrave of Hesse Darmstadt, for subsidising a corps of 3000 men*.

* For copies of these treaties, vide Debrett's Collection of State Papers relative to the War against France.

The noble Earl then said, that from discussions which had recently taken place, and opinions maintained by those in high authority, he was obliged in the first place to say a few words respecting the prerogative of the Crown and the rights and privileges of Parliament and of that House; a proper regard for which made it his duty to bring forward the motion which he would have the honour to submit. He stated it to be the undoubted right of that House to advise His Majesty at all times, and under any circumstances, respecting the exercise of his prerogatives; and there was no one prerogative of the Crown to which that House were so much bound to attend, and give their advice upon, as that by which the King had a right to make peace and war. Under this consideration came all treaties and negociations which had a tendency to produce either the one or the other, and with this view it was that he had called the attention of the House to those on the table. He contended that they had a right to advise His Majesty not to enter into treaties that might endanger the safety or tranquillity of the country; to give their advice upon matters arising from treaties existing; and to give their advice when it might appear to them that treaties ought to be rescinded, or negociations abandoned, that had been begun. In support of this argument, he was happy to have the sanction and authority of their Journals, from which he adduced a string of precedents from early to the present times, which bore him out in the conclusions which he meant to draw from them, as the ground of his motion on these points. Two he particularly selected from the Journals of their Lordships, the first relative to the Treaty of Utrecht, and the second with regard to the Treaty of Aix-la-Chapelle; in both which cases the House had entered into particular resolutions. One branch of the prerogative which had been asserted to exist (but the existence of which he positively denied), was the right of landing foreign troops in this kingdom; the exercise of which, though it might not entirely destroy practical liberty, inevitably defaced every vestige of theoretical liberty in this country. He next came to state, that from his differing with the majority of the House on the subject of the present war, it was natural to suppose that he was no friend to the treaties on the table, which were defended by those of a different opinion on the justice and policy of that war; any discussion, however, on that last point he had no intention to enter upon that day; he would confine what he had to say to the treaties merely. He wished to establish these points: that the obvious tendency of our engagements went to support and forward the unjust and romantic [illegible] of other European powers to conquer France—that they were in no respect favourable to the real interests of this country, and

that they had been entered into upon principles that the King's Ministers had previously and repeatedly disavowed. In answering these, it became necessary to recur to the opinions universally held in and out of Parliament upon the propriety of our remaining neutral as to the disturbances of France two years ago; that neutrality had been thought by every man who considered at all, the wisest and best policy that this country could follow; and no one was bold enough to suppose that we ought ever to interfere so far in the internal affairs of another country, as to dictate a government for so great and independent a people. That our interference was not for the interests of the country he believed few would deny; and that it was against the opinion of the King's Ministers avowed at the time by them, and approved by all, would appear from their own conduct. For so little did they think we had any thing to do with those disturbances, that the failures that took place after the Duke of Brunswick's first Manifesto, the French getting possession of Savoy, and the capture of Mentz, appeared, by their conduct, to be matters of indifference. The change, therefore, that had taken place, and which occasioned our interference, first by an armament which brought a declaration from France, and afterwards created those engagements which led us into the war, must arise from a total change of system and views, and a subversion of that neutrality which would have been, and what it was at first thought to be, the wisest, the best, and the most honourable part for this country to have acted. As to the treaties, he would divide them into three classes—those that were subsidiary—those of a more general and fœderal nature—and lastly, that anomalous one with the King of Sardinia, which bore no analogy or resemblance to any that had taken place in diplomatic history. As to the first class, he confessed he had the least objections, because he thought subsidiary treaties, if a proper use was made of them, might be of essential service both in times of peace and war—in times of peace, because they enabled us to lessen our internal force, and thereby were a sort of standing army kept up without any of those dangerous consequences so much and so justly dreaded from keeping a standing army in this country in times of peace, and at the entire will of the Executive Government—so much for them in times of peace. In times of war, the service that may be made of them, if properly used, was obvious to every body; but he denied that in the present war a proper use had been made of any one of those treaties on the table. As to the second class, he objected to them very strongly, from the clauses which they contained, binding us not to make peace but upon such terms as were consistent with the ambitious views of those

powers, and ſtill more from their nature reſpecting our conduct towards neutral powers. Had they contained a clauſe to prevent neutral powers from giving ſuch aid to France as might be dangerous to the contracting powers, they might, perhaps, be reckoned wiſe; but if that clauſe gave the confederate powers a right to act as they had done with regard to Sweden and Denmark, and in another way to Genoa, Tuſcany, and Switzerland, it would open a precedent for more tyrannical oppreſſion than had ever occurred in the moſt arbitrary times of the moſt deſpotic powers in Europe. With regard to the laſt, that phenomenon in diplomatics, it was in every way new, unaccountable, and unprofitable; and it was impoſſible that any good could ever ariſe to this country out of it.

In the treaty with the King of Sardinia, we had ſtipulated for what? Why that he ſhould keep 50,000 men in pay for the defence of his own dominions, and on our part we ſtipulated to ſend a reſpectable fleet into the Mediterranean, which muſt conſiderably weaken our naval ſtrength at home: to pay an annual ſubſidy of 200,000l. and guarantee the reſtitution of Savoy, and ſuch other dominions as might be conquered from Sardinia during the war, whenever peace ſhould be concluded. Had the noble Lord who ſigned thoſe treaties, ſuch an abject opinion of the activity of the Board of Admiralty, as to think that upon a proper ſuggeſtion of the neceſſity of a fleet in the Mediterranean, they would not ſend it out, without the country being actually bound thereto by treaty? Or was it to be ſuppoſed that his Sardinian Majeſty would be ſo diſinclined to defend his own dominions, as to render it neceſſary on our part to engage him to ſuch a meaſure? It was neceſſary not only to ſubſidize him, but alſo to guarantee the reſtitution of his territories. But it was to be recollected, that the Sardinians were engaged in this war; and diſpoſſeſſed of Savoy previous to our taking part in the war; that we had ſeen in ſilence this proceeding of France; and not only did think it incumbent not to interfere at that time for the reſtitution of Savoy, but even impoſed a neutrality upon Switzerland and Geneva. With regard to the treaties with the other powers, we had acted upon a very impolitic plan; we had engaged ourſelves to continue in a war until all the territories which might be conquered from them ſhould be reſtored; was there any neceſſity in order to induce thoſe powers to permit us to expend our money and lend our arms and aſſiſtance in the common cauſe, to tie ourſelves down by particular treaty and engagement? Before he ſat down, he muſt ſay, that he diſapproved of the treaties, not more on account of their contents than their omiſſions. The great object for which we had affected to enter

into the war, and the grounds which Ministers held out to the nation at large for engaging in it, he contended, had been totally neglected, in all those treaties; this was the security and protection of Holland; no stipulation whatever had been made in favour of that country; for he did not think that there was any thing in the conduct of Russia and Prussia in the partition of Poland, or the conduct of the House of Austria in its late proceedings, that amountted to a guarantee for the future safety of the United Provinces, the only power on the continent, whose liberty and independance were of any material consequence to this country. He did not think it any proof of the sagacity or foresight of Administration, to depend on the wild and chimerical politics of Joseph the Second for the protection of the frontier against France. The battle of Gemappe should have taught them the dangerous consequence of a dismantled frontier. He knew that the present proceeding would be assimilated to the attempt to dissolve the general confederacy against Louis XIV. but before the conduct of those who thought with him should be compared to the conduct of Lord Bolingbroke and his friends, it would be necessary to shew a similitude between the confederacy of the present day against France and that against Louis XIV. When we say that the present is a confederacy, there the similitude ends; the confederacy of that day was to prevent the too great acquisition of power of that despotic Prince; the object of the present, to impose a Government by external force upon an independent nation. As well might we compare the paltry successes of the last campaign to the brilliant victories of the Duke of Marlborough and Prince Eugene. His Lordship shewed the inutility of the several treaties in every point of view, their inadequacy to obtain any real advantage to this country, and that the objects of the several allies were essentially different; this country, he contended, had held out to the people of France the restitution of the Constitution of 1789. Upon the whole he considered the present as a feeble attempt to raise the drooping head of the House of Bourbon, the natural and inveterate foe of this country; and to prevent the great increase of its power, by the family compact, which he was convinced had been the source of the many embarrassments of England, so much blood and treasure had been wasted; he did not conceive it to be our duty to endeavour to reinstate that family. In the course of his speech his Lordship reprobated the cruelty exercised against Genoa and other neutral powers, in preventing them from exporting the natural commodities of their countries, and he brought forward in support of our illegality on doing so the conduct of this kingdom on former occasions. Upon the whole he affirmed,

that our Government had acted unwisely, unjustly, and unconstitutionally; and in cases of this nature, he said, there were many precedents to justify the motion he held in his hand. He concluded by moving the following resolution:—"That it is the opinion of this House, that His Majesty has entered into engagements, which have the obvious tendency of promoting the interests of other nations, in which this country has no concern, and motives which have been repeatedly disavowed by the King's Ministers."

Lord HAWKESBURY said, that in the principle first laid down by the noble Earl, viz. the right of Parliament to discuss and deliver their opinions upon the subject of war and peace, and treaties with foreign nations, he should not contest; he admitted all the noble Earl had said, respecting the right which that House had to advise His Majesty as to the exercise of his prerogative, though some of the precedents stated were rather against the conclusions drawn from them. He insisted that the treaties which Great Britain had entered into were justified by every argument of sound policy, and conformable to the true interests of this country. He held it unnecessary to follow the noble Earl into the extensive field of treaties that were totally foreign to the present question, and therefore should confine himself to what seemed the leading features of the noble Earl's speech, which he took upon him to say had no solid foundation. The treaty with Sardinia, the noble Lord contended, was the most objectionable; but it was found necessary to prevent France from getting a passage into Italy, to use our influence to protect Sardinia, which was the key to that country, where, if the French once got footing, they would not fail to avail themselves of the property of the Church, and like Goths and Vandals, destroy the remaining vestiges of the fine arts. If they had got into that country, and possessed themselves of the several ports in the Mediterranean, we should not have seen such a noble fleet, the richest from that country which had ever entered a British port, as had arrived yesterday. Besides by this treaty we hired men at a cheaper rate than we could raise them at home or purchase them in Germany. In the situation in which we were at the commencement of the war, and the doctrines which France held out; he contended it was our duty to make an alliance as extensive as it was possible; he thought that all the nations in Europe should be combined against France as the Common enemy, and he thought those powers which had not joined the common cause, were highly censurable. In respect to Genoa and Denmark, he was amazed to hear the noble Earl talk of injustice done to them

by ſtopping their exportation of corn. Was the noble Earl ſo ill verſed in the productions of thoſe countries as to be ignorant that their lands did not produce more than half the quantity of grain that was requiſite to ſupply the conſumption neceſſary to their own ſupport. This was an undeniable fact, and demonſtratively proved that their exportation of corn was but a device to ſerve France, by thus proſtituting their neutrality, in permitting corn to be brought to them, and then exporting that corn to our enemies. To do this was contrary to the laws of nations; for it ever had been held that proviſion to an enemy, who could not long exiſt without ſuch a ſupply, was contraband by the laws of Europe, and liable to capture and confiſcation. The noble Lord then took a view of what Europe had to expect from the eſtabliſhment of the preſent ſyſtem which France had adopted, and ſaid, that nothing ſhort of the deſtruction of civil ſociety, and the eſtabliſhment of a deſpotiſm far more tremendous than the worſt monarchy that ever exiſted, muſt be the conſequence. He was one of thoſe who thought the neutrality of this country proper, while the French diſturbances only exiſted in France; but when the circumſtances changed, and they threatened deſtruction, as far as their power to introduce their principles could go, he ſaw the neceſſity for a change of policy. He deſired the noble Lord to look to what their conduct was. They put to death, under the form, without the equity, of trial, all who were thought to be rich or wiſe. They allowed no perſon to enjoy more than 200l. per annum—they maſſacred their clergy, and ſeized upon the revenues, and even the ornaments of the church—they forced all perſons indiſcriminately to deliver up their property—they deſtroyed all trade, manufacture, and commerce—confiſcated all eſtates, and, in ſhort, pillaged the whole nation. Did it not therefore argue the wiſdom of this and every other country which united to deprive ſuch a horde of barbarians—ſuch more than Goths and Vandals, of the power of farther miſchief? for it was well known what their intentions were againſt Italy, Spain, Germany, and this kingdom. The noble Lord had ſaid, that the preſent conduct of thoſe who thought with him would be aſſimilated to the conduct of Lord Bolingbroke, in his attempt to break the confederacy againſt Louis the XIVth. but at the ſame time had ſaid, there was an eſſential difference between it and the preſent confederacy; upon a more minute inveſtigation, the difference, he contended, would not be found ſo great; that a former confederacy was for the purpoſe of preventing the acquiſition of territory by France; ſo was the preſent; their object was to acquire new territories, and to introduce into the territories ſo acquired, their new ſyſtem of anar-

chy, a system much more destructive than the ambitious projects of Louis XIV. in their utmost extent. His Lordship denied that this country was tied to any specific form of Government in France, or to the restitution of the Bourbon family to the Throne, and defied any noble Lord to point out any treaty or declaration by which we were so bound. He then read the resolution, which he said was unfounded in fact, and unsupported by argument, and to which he should therefore give his most decided opposition.

The Earl of CARNARVON observed, that the noble Earl (Guildford) had studiously avoided discussing the principles of the war; because, upon that ground alone, he thought the several treaties might be well defended. He defended the subsidizing Savoy, upon the principle of its being a weak power, and that being obliged to bear the brunt of the war, it was necessary to guarantee the restitution of its territories at the conclusion of a peace, or it would also remain neutral, or become the ally of your enemy. He wished we could obtain the assistance of Switzerland and Genoa upon similar terms.

The Earl of LAUDERDALE took a comprehensive view of the nature of all the engagements we have entered into with the different powers engaged in the present war against France, and maintained they were such as could not be all carried into effect, for that they were utterly repugnant to each other in many parts; no two of them agreeing, and many of them at variance even with themselves. He condemned in the strongest and most pointed terms such a system of alliance, as tending to distract our commercial interest and lessen the produce of our manufacturers, by diminishing the number of markets which, without such a general combination, would be open to us in the usual way of trade. He was well convinced, that this system of alliance would do more mischief to the trade and commerce of this country than even the American war; and this he said was in a great measure manifested by the shock which our trade had received already, and by the prop which we were obliged to put up for its defence immediately after the commencement of the war. He ridiculed the idea of our making a common cause of this war with the other powers confederated against France, for the purpose of establishing a Government in that country on which we could confide. Our view, as expressed in the declaration to the people of Toulon, was for a limited Monarchy. Would Spain agree to this? Would the House of Austria agree to it? Would the King of Prussia agree to it? Is it not known that La Fayette, the strenuous supporter of the French Constitution of 1789, which we had promised to support, now lies in a dungeon, at the instance of the King

of Pruſſia our ally? But the miſchief did not end here; for ſuppoſing that all the combined powers, now profeſſing one common intereſt againſt France, were to agree in one common object in that war, and ſuppoſing them to act in ſtrict conformity to that agreement, and that they ſhould only require an indemnity for the loſſes they muſt inevitably ſuſtain in proſecuting the war, and ſuppoſing ſtill farther, that they ſhould gain the full extent of their wiſhes, the entire ſubjugation of France, what would then be the conſequence? Spain muſt be indemnified, Sardinia muſt be indemnified, Ruſſia muſt be indemnified, and Auſtria indemnified! How was this to be done? By dividing France; and after this diviſion had taken place, to the ſatisfaction of the parties, there would not be left of the dominion of France, any part conſiderable enough about which to contend for a form of Government, and then Great Britain would find nothing but ruin in the event. But as this was indeed a diſtant proſpect; we ſhould look at what was more likely to be the point of diſpute for a long time to come, if this war was to be carried on, upon the preſent ſyſtem of the allies, and for the general object they pretended to have in view; namely, a form of Government for France. Upon this point he could not ſee how the parties in alliance could agree. To an Engliſhman, a limited monarchy would be natural, to the other powers, a military Government; ſo that he ſaw no probability of the allies at all agreeing on the form of Government they ſhould impoſe on France, ſuppoſing them even to be able to impoſe any. He ridiculed alſo the idea that we could not treat with the preſent rulers of France, on account of their being incapable of entering into any plan for negociating for a peace, as if thoſe who were capable of forming plans, and conducting them, for the management of the greateſt armies, were incapable of forming a plan for peace. In ſhort, he ſaw no chance, by which this country might be benefited in the progreſs of this war, but he ſaw many by which it might be ſeverely injured, and among theſe was one that was too probable—he meant, that many of the powers now engaged might, from time to time, demand ſubſidies of us, and perhaps ſuddenly quit the combination, if it ſhould ſuit their partial intereſt, ſo that at laſt we might be left almoſt alone to ſtand the conteſt. The motion now before the Houſe tended to check that ſpreading ſpirit of alliance, which was entirely repugnant to the true intereſt of this country, and therefore it had his hearty aſſent.

The Earl of MANSFIELD thought that the motion now before their Lordſhips involved this conſideration—would it lead to a ſpeedy, ſafe, and honourable peace? or would it, if carried, tend only to a momentary ſecurity, by tending to weaken the alliances

that had been formed? He was of the latter opinion, and thought that the motion, if carried, would offend the allies, and totally destroy the objects for which the confederates armed. Instead of weakening the alliance, it should be the object of this country to strengthen and consolidate it, for the security and peace of Europe. It could never be the wish of this country to suffer Holland and Flanders to remain in the possession of the French, which must have been the case, if we had not armed to expel the abominable system of Jacobinism which had pervaded that unhappy country. He declared his detestation of the partition of Poland. In his diplomatique capacity he had known the unfortunate King; he was a man of talents, of virtue, and a Monarch that always wished to promote the happiness of his people. His prospects, though as bright as any that favoured any Sovereign, it was true, were blasted, by the interference of the neighbouring Powers, which was a circumstance he would not attempt to justify. But he did not deem it either politic or necessary for Great Britain, in consequence of such circumstances, to dissolve its connection with Russia. She was a formidable ally, and would, he had no doubt, fit out an armament at our command, and such as must be of material advantage to the Confederacy. His Lordship contended that Lord Hood acted right with respect to the Toulonese, and that offering them the constitution they required, modified agreeable to the subsequent dispositions of the people, was sound policy. He defended the conduct of Ministry with respect to neutral Powers, as during the seven years war it was always deemed by the late Lord Chatham a violation of the neutrality of neutral nations to export grain to the country of the enemy. He then took notice of all the treaties that had been entered into between this country and the different Powers, and approved of them all. He thought that t[illegible] with the King of Sardinia was an extremely wise measure on the part of Great Britain, and that we ought to insist on the restoration of Savoy to the King of Sardinia at any price it might cost us, because he considered Savoy as the key to Italy. And as to a form of Government of France, he thought there was a silent wish prevalent in this country that it should be a Monarchy; and he was decidedly of opinion, that if a civil war broke out in France, and there was a prospect of its being formidable, we could hardly at any price purchase too dear the establishment of Louis the Seventeenth on that throne. Having given his opinion on the right of neutral Powers, and having denied the justice of an armed neutrality, he concluded with observing, that the great object of this war was the destruction of the present tyranny of France, and the annihilation of the Jacobin faction. It

was an object that must be accomplished before any order could be restored to Europe—an object as great and glorious as any that ever called for the united efforts of mankind.

The Marquis of LANSDOWNE supported the motion most strenuously, as tending to stop the torrent of alliances that seemed at present to confound all ideas of distinction in diplomatic conventions and agreements. We had so blended subsidiary with political treaties, that it was hardly possible now to know the one from the other of them. He condemned as profuse, extravagant, and shameful, our subsidiary treaties; he thought the treaty with the King of Sardinia was of this description, as well as many of our German and other Continental engagements, in which there was nothing to be seen but the most shameful inequality. He alledged that there were no other people this day upon earth like the people of England; they had suffered themselves to be lulled to sleep, and nothing but this their torpor and stupidity would have enabled Ministers to proceed as they had done in the present war. Englishmen, who were free, and exposed to none of the internal inconveniences to which many of its allies were subject, were to be put on a footing with, nay, to subsidize and pay taxes for, those whose blood was sold, let out to hire, and hacknied for the service of their Sovereigns! He expressed much apprehension that, when taxes came to be heaped upon taxes upon the people of England, lethargic as they were at present, they might awake; and the consequences he would presume to foretell. Part of what he had already feared, and stated to be the consequence of negativing his motion the other day for peace, had turned into a fact. He was alarmed at what might be the effect of the next campaign by looking at the past: Poland had already been divided, and now a rupture was understood as certain to take place between Russia and the Porte; and if we were, for the sake of crushing the French, to enter into a treaty with the Empress, to procure her friendship for that good common cause, to guarantee to her any possessions of the Turks, there was no doubt but that just Princess would be punctual and faithful to her engagements; and when the noble Lord on the cross bench (Lord Hawkesbury) should publish his second edition on the Law of Nations, he advised him to dedicate it to the Empress of Russia. He thought he saw a very humorous variety in the Ministers of this country.—By their language it would seem as if we should look at one another in this country with distrust and jealousy, for that the country was ready to burst into insurrection. By their conduct it would appear that we were perfectly safe, for they were day after day sending off to other kingdoms the whole wealth and strength of this nation.—

He thought the motion in every part of it tended to check all these improper practices, and to contain the most important truth in every sentence of it; and therefore it had his assent.

The Duke of LEEDS took notice of several of the observations of the noble Marquis, in which he had not the honour to agree with him. He said, the noble Marquis had in one part of his speech represented the people of this country tame, ignorant, and torpid, under taxation; and in another part had insinuated that it would be dangerous to lay on them any more burdens, for the purpose of paying subsidies to the allied Powers. He was therefore at a loss how to reconcile this contradiction. His Grace approved of all the treaties now before their Lordships, inasmuch as it was wise to engage as many Powers as we could in the confederacy against France, as we could thereby more efficaciously divide the force of the enemy. He looked at one of them with regret—not that he blamed Ministers, for they, he was persuaded, were not in fault; but he could not help looking at one treaty with regret—he meant that with regard to the Empress of Russia. He was persuaded that she had the power, and might, if she thought fit, have readily executed it, of preventing Denmark from supplying France. On the points in which he could view the subject, the motion appeared to him to be extremely improper, and therefore he must give it his negative.

The House divided:

For the motion,	Contents,	8	
	Proxy,	1	
		—	9
Non Contents	-	71	
Proxies	-	25	
			96

Wednesday, 19th March, to Friday, 21st March inclusive,

No public business.

Monday, 24th March.

The Marquis CORNWALLIS took the oaths and his seat, to which he was introduced by the Marquis of Stafford and the Marquis Townsend.

The LORD CHANCELLOR then read to the Marquis the vote of thanks of the House of Peers, for the eminent and meritorious services which that nobleman had rendered to his country in India, as follows:

"The Lords, by an unanimous vote of the 17th December 1792, have ordered,

"That the thanks of this Houſe be given to the Marquis Corn-
"wallis, for his diſtinguiſhed military ſervices in India, and for
"the termination of the war in that country, by an advantageous
"and honourable peace; and that the Lord Speaker of this Houſe
"do give his Lordſhip the ſame, when his Lordſhip is in his place
"in this Houſe."

"When it devolved upon me to communicate this order to your Lordſhip, I felt a juſt ſolicitude to examine on what occaſions, and in what manner, that duty had formerly been diſcharged.

"The firſt inſtance which the Journals of the Houſe afford, is of an illuſtrious Commander, whoſe frequent victories in the early part of this century had received in this place repeated thanks; and particularly military ſervices have ſince obtained the ſame diſtinction.

"The order which it is my part to execute, has a larger extent than any former precedent. Your Lordſhip's ſervices have marked for public gratitude, actions of an higher order than the ſplendour of a victory or the ſucceſsful conduct of a campaign; and the thanks of the Houſe have diſtinguiſhed the juſtice, humanity, and moderation with which you have improved victory for the purpoſe of eſtabliſhing peace on ſuch terms as demonſtrate to the world that Great Britain directs the force of her arms to no other object but indemnity and ſecurity to herſelf and her allies.

"So deſirable a concluſion of war was the natural and almoſt neceſſary reſult of the preparation your Lordſhip had made for it: not merely by a ſupply of all articles of immediate exigence for military ſervice, but by the uniform tenor of a wiſe and beneficent Adminiſtration, which uniting the affections of thoſe who were ſubject to it, and the confidence of the neighbouring powers of Hindoſtan, had inſpired them with a firm reliance on the mild protecting influence of the Britiſh Government, and a full aſſurance that ſucceſs would attend that war which you conducted.

"The date of the order by which alone I am authoriſed now to addreſs your Lordſhip, precludes the conſideration of ſubſequent ſervices, which are freſh in the memory of every one; but I may be allowed to expreſs the firm perſuaſion I feel, that the precedent of repeated thanks which diſtinguiſhed the beginning of this century will be renewed in the cloſe of it; and that the debt of public gratitude to your Lordſhip will continue, ſtill paying, ſtill to owe."

To which his Lordſhip replied,

"My Lords,

"The honourable teſtimony of your Lordſhips' unanimous voice that my conduct has merited the eſteem of my countrymen, and

has promoted the honour and interests of Britain, is a circumstance so highly gratifying to my feelings, that whilst I live I shall reflect upon it with a degree of satisfaction that it is not easy for me to express.

"It has likewise afforded me great pleasure, that your Lordships have declared your approbation of the services of my worthy gallant friends Sir William Medows and Sir Robert Abercromby, and of the officers and soldiers who were employed under my command during the late war in India; as it was by their meritorious and unwearied exertions that I was enabled to bring the contest to so honourable and advantageous a termination.

"I am truly sensible of the obliging and flattering manner in which the favourable sentiments of the House were communicated to me, and I request that the noble Lord will accept my warmest acknowledgments."

Tuesday, 25th March.

Lord GRENVILLE brought down a message from His Majesty, the substance of which is as follows:

"That His Majesty thought proper to acquaint the House of Lords, that, for the purpose of more effectually guarding against the attempts of the enemy to execute their projected design of invading the kingdom, he had augmented his land forces, certain numbers of which he was to assemble speedily in different parts of the kingdom, where it may be necessary; and he relies on the cordial support of his Parliament, and the zeal and affection of his people, that they will co-operate with him in such measures as may be necessary for the general security.

The noble Lord moved, that their Lordships be summoned to take the same into consideration to-morrow. Ordered.

The Earl of LAUDERDALE said, that the communication made by His Majesty would make it unnecessary for him to trouble their Lordships at any length on the subject of which he had given notice. He rejoiced that noble Lords had evidently changed their opinion on the subject since he gave notice, he should therefore simply move, "That an humble address be presented to His Majesty, praying that he will be graciously pleased to give directions "that there be laid before this House a copy of the letter, dated "Whitehall, the 14th of March, to the Lords Lieutenants of several countries, together with all plans and other proceedings "proposed thereon."

Lord GRENVILLE said, he had no objection to the papers; but the noble Earl had made use of the word *plan*, which he thought

was an improper term to be used. It was agreed to alter the phrase to "other inclosures,"—and in this shape it passed *nemine contradicente.*

Earl STANHOPE said, that an observation made by a noble Peer last week, "That if it were possible to engage any considerable number of Frenchmen to excite an insurrection, or rebellion in France against the National Convention, that no possible expence which it could cost this country ought to be spared; and that it was a measure which ought to be adopted by the British Government,"—struck him as an observation so abhorrent to all true policy, to genuine religion, and even to common humanity—so contrary to the principles of civilized war, and so outrageous to all the feelings that ought to govern the conduct of a people, that he thought it his duty to vindicate the character of the nation from the horror of the sentiment, and to disclaim it by a solemn parliamentary act. He, however, felt some degree of gratitude to the noble avower of these principles, as far as gratitude could be felt for explicitness, because it brought the question to issue, and a decision might be had between the two descriptions of people in this country, namely, the friends of liberty and peace, and the supporters of the present horrid war. Holding it, however, in such abhorrence, and to have it clearly defined upon what principles this war was to be carried on, he was determined to bring it forward in that House. He moved therefore, "That their Lordships be summoned to attend their duty in that House on Friday se'nnight, viz. on Friday the 4th of April next.

The Earl of MANSFIELD said, that he did not disclaim the obligation which he had to the noble Earl, for the notice which he had just given, though by the manner in which he had made it, he did not know in what scale of gratitude to place it. It was right, however for the noble Earl to avow his mode of proceeding; as he might wish to make that Assembly as like the National Convention as possible: he was both of a temper and an age to be content with the form of proceedings settled by their ancestors, but though the noble Earl had introduced his notice with so little regard to parliamentary decorum, to order, and perhaps to decency, yet he was ready to acknowledge that he had used the sentiment, if not precisely the words, alluded to by the noble Earl, and he persisted in them. He thought it just and necessary on so extraordinary a notice, not to remain totally silent, though nothing which had fallen from the noble Earl even demanded from him so much as he had said.

Lord GRENVILLE said, that undoubtedly any noble Lord had the power to move their Lordships to be summoned; but he

submitted to the House, whether it was not a most irregular and disorderly thing in the noble Earl, to found any parliamentary proceeding on words spoken in debate by any noble Peer on a former day? The order of that House, which made it irregular for any Peer to take notice of the words of another Peer, was not made without sound reason and necessity; and if this held good, how much more so did it apply to a motion upon words? The noble Earl had with becoming dignity acknowledged the words and sentiment, a sentiment to which he was surprised that any one should object.

The Earl of LAUDERDALE said, that he could not avoid taking notice of the extraordinary observation of the noble Secretary of State. Without giving any opinion whatever on the motion of the noble Earl, he must say, it was a curious thing to hint even an objection to a motion, because some noble Lord had on a former day made an assertion contradictory to such motion. Did the noble Lord forget that an assertion of an individual had, during the Regency, been made the ground not merely of a motion, but of a parliamentary act, for which the two Houses had been called upon to stop all the course of the proceedings in which they were engaged; and that this had been done by a right honourable person with whom the noble Lord was most intimately connected? It would be a most curious and a most extraordinary proceeding, if any motion in that House could either be stopped or prevented, on account of some assertion that had been made on a former day by any Lord.

Earl STANHOPE said, he was astonished at the manner in which his noble relation had taken up his notice; he surely was not so ignorant of the orders of the House, as not to know that he could not allude to specific words used by any noble Lord; but how did his honourable relation know that he meant to allude to him? He said that certain words were used by a noble Earl, the meaning and purport of which he detested and abhorred; and he had moved their Lordships on a particular day, when he should submit a proposition to their Lordships of a nature which he thought essential to our well-being, and to our character as a people.

Lord GRENVILLE said, the noble Earl had certainly made an allusion to certain words used by a noble Earl on a former day, as the foundation of his motion, in a disorderly way.

The LORD CHANCELLOR said, that certainly every noble Lord had a right to move their Lordships to attend on any particular day; it was the duty of Lords to attend on every day the Parliament sat, and the summons only implied to remind them of that duty; it was also common, although, to be sure, not so strictly

under order, that, when any noble Lord did exercise that right, to give some intimation of the nature of the business he intended to bring forward, but which the noble Earl on this occasion had certainly omitted, and therefore, although disorderly, the little debate which had taken place would be of some use, as by that means their Lordships had obtained some small degree of insight into it, and would therefore be the better enabled to prepare themselves to decide upon it.

Earl STANHOPE contended he had not deviated from any order of that House, and he would inform his noble relation, that the order was against alluding to words spoken by any noble Lord by name, with a view to censure him for them. Now he had not done so; it was not the words, but the principle, he objected to, and which he intended to bring under discussion. He also knew he was not bound to give any farther notice with respect to his motion, (which the noble Secretary of State might as well have heard before he had undertaken to condemn with so much violence), yet, to oblige the learned Lord on the woolsack, who seemed to have a wish for some knowledge of the subject, he would inform him, that he intended to introduce a bill, for the purpose of getting it an act of Parliament, to prohibit His Majesty's Ministers and all others from interfering with the internal affairs of France, either by bribing them to insurrections, or dictating as to their form of Government; and so much horror and detestation had he of this crime, that he intended to propose the commission of it to be felony, without the benefit of clergy.

The question for summoning the House on Friday, the 4th of April, was then put and ordered.

Earl STANHOPE then said, he should trouble them with another motion, not intending to divide the House upon it, but to have it on the journals; this was, that the Lord Chancellor be directed to write to every noble Peer, desiring him to attend his duty on that day. This he recollected had been done not long since, and he wished it adopted on the present occasion.

This was put and negatived.

Wednesday, 26th March.

Lord GRENVILLE laid the papers moved for yesterday upon the table; the titles of them being read, his Lordship moved, "That His Majesty's message might be read." He then said, that being convinced there could be but one opinion in the House upon the subject of the message, and that they were all inclined to give every possible aid and support to His Majesty, upon the present oc-

casion, to carry on a just and necessary war, he would, without farther preface, move, "That an humble address be presented to His Majesty, thanking His Majesty for his communication given to them by his message, and assuring His Majesty that they were desirous to give him every possible aid in carrying on the just and necessary war in which he was engaged."

The Earl of LAUDERDALE said, he did not rise for the purpose of opposing the address, though he could have wished that it had been worded in such a manner as to have produced that unanimity in the House which he always wished to see upon such occasions: the words he objected to were, "just and necessary war." In the message of yesterday there was nothing that made these words necessary in the address; and considering that every noble Lord in that House was inclined to give every possible aid to His Majesty, that the emergency required, he was surprised that Ministers could introduce words that provoked observations, which would never have been made had they been left out of the address. He never would have hinted any sort of opposition on the subject as he had done on a former day, if he had known that the message was to be worded as he now found it, because, when he considered what had formerly been said, he understood, that the message was to ask their Lordship's approbation to the plan of augmenting the land forces, in a manner that was equally new and unconstitutional; whereas, if the sense of it, and the words on which that sense was expressed, only stated, that in consequence of an expected attack and invasion from the enemy upon this country, His Majesty had thought it necessary to augment his land forces, and called upon that House for their aid, it was an aid, that he was sure under such circumstances every man in the country would be ready to grant. Having said this much, and only wishing for the sake of unanimity that these words had not been introduced into the address, it was not his intention to say more upon it. But with regard to the papers on the table he had a very different opinion; and as he conceived them to be of a nature perfectly unprecedented and illegal, in so far as they went to give powers to the Crown which had never been given, and were always looked after in the most jealous manner: He meant a grant to raise an armed force within the kingdom, and to allow subscriptions to be appropriated by the Executive Government, and at its disposal. He thought that as far as concerned the external safety of the country, Ministers were doing right by taking every step to strengthen the country against the dreaded attack from the enemy, although he could not allow them any credit for the conduct they had pursued, and which had brought the country into such a situa-

tion as they now found it to be. Had he or any of his friends last year predicted the probability of such an emergency, they would have been told that their minds were so distorted and their heads deranged by French principles and French connections, that they were talking in the most wild and extravagant manner. At that time, after all the alarm that they had been able to create, it had been said that two thousand men sent over from this country had secured Holland, destroyed the greater part of those miscreants, and would soon annihilate the rest; and now when all these chimerical fears are scouted even by those who propagated them last year, Ministers found it necessary to call for the strongest support that the country could give, while they boasted at the same time of the great successes and advantages we had obtained, as much as to prove that the principal alarms of last year had become real now. Under these impressions, and with the opinions which he had given of the papers on the table, which, though never regularly before Parliament, had been publicly known, canvassed at county meetings, and comments made upon them in various ways, he thought it his duty to give notice, that on Friday next he would make a motion upon that subject; and therefore moved that the Lords should be summoned.

Viscount SYDNEY conceived it rather singular, that when Parliament had voted their support to the present just and necessary war, any noble Lord should stand up in his place and desire the House to undo that which they had so immediately done. It almost appeared as if a certain description of men made it a rule to object to every measure which would strengthen this country against its avowed enemy, and that in doing this they exceeded the bounds of that reason by which they had in Parliament pledged themselves to support the war. Were the majority, the great majority of Parliament, to submit to the dictates of so very small a minority, and in contradiction to their own sentiments say, We will not call the present war a just and a necessary one, after we have already, in the most solemn manner, decided it to be so? The idea was a ridicule upon common sense, and could only proceed from a mind determined to find fault with every proposition which had the appearance of doing a benefit to this country.

The Earl of DERBY said he rose merely in consequence of what had fallen from the last speaker, who seemed to think that those noble Lords who thought, as he did, that this was an improper, unnecessary, unjust, and destructive war, had no right to say so in that House, or tell it to the country at large, who were the sufferers, although they were as zealous, steady, and real friends to their King and country as any description of men whatever. In the case of any

dreaded invasion, insurrection, or rebellion, neither of which he had any fears about, he was perfectly sure that there was none in that House, or out of it, that would shew more attachment to the interests of their country, or make greater exertions for its internal defence than they would, however much they must reprobate the conduct which had brought it into a perilous situation. He thought the noble Viscount had accused his noble friend of opposing merely from party motives, in a very unbecoming and unwarrantable manner, even if he proceeded upon mistake; but from his manner he was rather inclined to think it was a willing mistake.

The Earl of LAUDERDALE said, the noble Lord (Sydney) must have forgot the sentiments which actuated him, when he was in opposition, if he asserted that a fixed opposition to Ministers always distinguished opposition. What had been prophesied had now come to pass, which was manifested by the predicament in which the country was at present. During the last session their Lordships were assured that 2000 men sent into Holland would render France an easy conquest; but if any man had then predicted that the war would have given rise to the present measure, he would have been stigmatised as a Jacobine, and a man whose head and heart were devoted to French connections.

Lord GRENVILLE said, when the noble Earl brought forward his motion he would be ready to hear the arguments in support of it, and to deliver the same opinion upon the papers alluded to that he had been prepared to do that day. He considered the measure to be warranted and supported by law, by precedent, and authority, as well as sound policy and expedience, which he would state to the House whenever the discussion took place. With regard to the words just and necessary war, he should be extremely sorry ever to concede or compromise matters so far with those who had opposed the measures of Government, and the whole conduct of the war, as to obtain their unanimity upon any proper and necessary step, by such a sacrifice to their opinions, as relinquishing those which he had and would continue to hold on the expediency, the justice, and the necessity of the war. As to the difference of circumstances between last year and now, he was particularly proud and happy to reflect upon what had happened, upon the very same grounds that the noble Earl had contrasted them. At that time he had said, that a small number of British troops, under the command of a British Prince, had the effect under these circumstances, not only to save Holland, but materially to repel the progress of the enemy; and as to his prediction about the destruction of those who were then

in power in France, what had happened within the recollection of every body, would ſerve as his anſwer.

Viſcount SYDNEY explained, and juſtified himſelf from any willing miſtake in cenſuring the arguments of the noble Earl.

The Earl of LAUDERDALE ſaid, it was rather ſtrange that the noble Lord who thought the expreſſion, juſt and neceſſary war, ſo eſſential in the addreſs, ſhould have approved of the meſſage, in which there were no ſuch words.

The Earl of GUILDFORD agreed perfectly with his noble friends in what they had ſaid reſpecting the right which every noble Lord had to object to the words of the addreſs, however willing they might be to agree to the general purport of it. He noticed what had been ſaid about unanimity, which ſeemed to be deſpiſed in that Houſe by ſome noble Lords, very improperly in his opinion, becauſe in all queſtions of the ſame nature and importance as the preſent, he conſidered that unanimity was a very eſſential point. Since he had been in the habits of differing from thoſe who were in His Majeſty's Councils, he had ſeveral times found it his duty to ſupport their meaſures, particularly in the two caſes of the Dutch war and the Spaniſh war, but that was no reaſon why he ſhould agree to words in an addreſs, which were directly and conſcientiouſly the reverſe of his opinion on the preſent war, although as far as regarded the ſafety of this country from any attack, or invaſion, no man would be more active in ſupport of its defence. He then replied to the inconſiſtent arguments of the noble Secretary of State, who gloried ſo much in the difference between the ſituation of the country laſt year and now: then it was ſaid to be in ten times more danger, and His Majeſty's Miniſters had taken no ſtep whatever for its defence; now that the difference was ſo great and advantageous as to give the noble Lord ſo much pride aud happineſs, they were forced to come to Parliament and appeal to the country for aſſiſtance, on account of the dangers to be apprehended from the threatened attack or invaſion of the enemy.

The Marquis TOWNSHEND ſaid a few words on the juſtice and neceſſity of the war; and as far as he was acquainted with the ſentiments of the country, the people were anxious and only waited the ſanction of Parliament to riſe in its defence; if this was done, the manufacturers and lower claſſes would ſuffer the moſt, and therefore it became the nobility and the rich to contribute to the expence. There never could be but one reaſon againſt it, and that was by keeping a great ſtrength at home we might weaken our power abroad, which, he hoped would not be the caſe, for that would be like keeping a great force within a garriſon that was to be attacked,

ment, ſuch as originated with Mr. Pitt and the Duke of Richmond, at the Thatched Houſe, they were vilified as Jacobins and Levellers; —But they could now retort that language, and ſay, that the heterogenous plans propoſed by His Majeſty's Miniſters, appeared as if they originated with Danton and his aſſociates, for they were inadequate to any good purpoſe; and partook of all that confuſion which had diſtinguiſhed the proceedings of the requiſitions of France. He inſiſted that by this meaſure Miniſters gave the greateſt poſſible triumph to the enemies of the country, as it expoſed their weakneſs, and gave the people an opportunity of manifeſting their oppoſition to the war, and demonſtrating the unpopularity of Adminiſtration, which had been the conſequence in more inſtances than one. This augmentation of the army, without the conſent of Parliament, was not only unconſtitutional, but it added conſiderably to the influence of the Crown, and every extenſion of the prerogative of the Executive Power, threatened the remaining liberties of the country. It was too much, he ſaid, in the ſame ſeſſion, to have to combat doctrines, inimical in the extreme, to the ſpirit of the Conſtitution, ſuch as the raiſing money and forces, and landing foreign troops without the previous conſent of Parliament. His Lordſhip obſerved, that in the laſt century, Parliament, with reſpect to the preſent meaſure, evinced extreme jealouſy, and ſhewed a ſtrong oppoſition to any encroachment on its privileges. Having ſearched into hiſtory, there was nothing like the preſent meaſure to be found, except in the very worſt of times. The precedents on the other hand were many, that ſhewed the extreme jealouſy which Parliament had ever held on the two points in conſideration—the levying of money, and the keeping up an armed force within the kingdom illegally, and without the conſent of Parliament. He read the opinion of my Lord Coke, quoted the different acts from the time of Richard III. to the 13th Charles II. and read ſome of Mr. Hargrave's notes, all of which went directly againſt benevolences or private aids of any deſcription for public purpoſes, and at the diſpoſal of the Executive Government. He then confirmed his arguments by the Bill of Rights, which expreſsly ſtated the illegality of ſuch meaſures.— He obſerved, that ſome noble Lords were very eager in calling out *hear him, hear him!* when that ſort of notice was taken of any thing ſaid, it was generally ſuppoſed that thoſe who did ſo, had it in their power to found ſome argument in reply to the perſon ſpeaking, but he could not imagine that any thing different from what he had inferred and ſtated could be made out from thoſe ſtatutes. So ſtrongly did he ſee the illegality of the proceeding, that nothing which Miniſters could do ſubſequently, to legaliſe the meaſure

could make him think they were to be justified in what they had done. He insisted that this measure and others lately attempted, tended to increase the influence of the Crown, and to diminish the privileges of Parliament and of the people—an influence which had already grown to such extent, that it had been on a former occasion thought necessary, by a character of the first eminence, and agreed to by the House of Commons to come to a resolution, that the influence of the Crown had increased—was increasing—and ought to be diminished; and this doctrine was supported upon the reasoning of one of the greatest authorities he could mention—Judge Blackstone. That this influence should be so alarming at that time, was a serious consideration for their Lordships in the present moment of war, and the present war in particular tended to increase the influence of the Crown, the great patronage of the naval and military appointments, and the number of places and commissions necessary only in time of war, added in no small degree to that influence. With regard to the communications between Ministers and the different counties, who was there that could affirm there were no private communications; that there were no instructions given to any Lord Lieutenants to hold out to those whom they wished to subscribe, that their services would be remembered? And having families, connections, and various views of interest and dependence, nobody could say that this did not produce a considerable degree of influence. As to whatever answers came to these ministerial communications, he would therefore say, that they did not contain the real and genuine sentiments of the people, but proceeded from a system of corruption which could not be avowed. Besides, this power of influence existed in all times of war; in the present war it had been conspicuously evinced, that Ministers held an extraordinary power of punishment for all those who disapproved of their measures. Every one who spoke, wrote, or signified in any way his disapprobation of their conduct, was branded with the name of Jacobin, rebel, traitor, and every term of opprobrium that could be invented. He was certainly justifiable in his remark, when it was notorious and avowed that newspapers were paid by Government, whose sole purpose seemed to be to vilify, calumniate, and traduce those who were in opposition to Administration; and some of them had gone the length of impudently insinuating, that there were men of character and consequence in this country, in the pay of France. He saw with regret upon many late occasions, that great talents were used in a very improper manner, in his mind, to defend measures hastily and imprudently entered into, that could not, or would not, have been defended, had the same questions been agi-

tated before the circumstances took place. He came then to the precedents:—there were various ways of raising forces, but there were only four instances that he believed would be even mentioned that night, these were in 1746, 1759, 1778, and 1782. In the case of 1746, he quoted Lord Hardwicke's opinion on the illegality of levying men or money from the people, without consent of Parliament. He likewise stated the necessity and emergency of the time, considerations which did not at all apply at present; no more did that of 1759, but in these instances, there had been an antecedent communication to Parliament. He would not allow what happened in 1778, to be a precedent, and quoted Lord Chatham's opinion and conduct at that time. In 1782, the only reason why there was no previous communication, was, that it was impracticable. He stated this to be quite a new and unheard-of force in Great Britain, which these letters recommended, and begged leave to call their Lordships' attention to that only legal and constitutional force within the kingdom, which had been so often praised, and spoken of in the most respectable terms—the Militia. This known, established, and regular force, cannot be called out, even in any emergency, without calling Parliament together in 14 days after; and yet if the measure in question is to be pronounced legal, this new sort of force for internal defence may be called upon whenever it may suit Ministers or the Secretary of State. A force so indefinite in its nature, that nobody knew a name for it; it was one thing in this county, and another in that. At every different meeting, different opinions were started;—in the county of Edinburgh, one gentleman had come forward and said, it was their business to support the Government and Constitution of the country, but not by raising soldiers: the navy had always been the defence of England, and therefore he proposed that they should subscribe for building ships or manning the navy. Others again might be better pleased with the mode of defending the coast by fortifications, on which such enormous sums had been already expended, and might subscribe their money for that purpose. It would seem that Ministers might accept or refuse whatever sort of subscriptions they thought proper, and apply the money in whatever way they pleased; but, in his opinion, all plans were equally illegal that had not the consent of Parliament. The whole subject was in itself extremely simple and plain, and the practice of the House in all money bills was an illustration of it; and, whilst from regard to the privileges of each House of Parliament, neither branch of the Legislature was allowed to go beyond its proper and ascertained limits; was it legal that the people should do that which no branch of the Legislature

could do? He insisted that there should be information always given to Parliament, before money could be levied from the people; and every loan or aid of whatever nature, should be limited to a specific sum. He contended that this method of increasing the internal force of the country, was, even if legal, unfavourable to the idea of keeping up that external force against France, which, upon the causes of the war, as given last year by Ministers, they must think necessary; and he could not help saying, that from an offensive war against that country, appearances seemed to point out that we were now reduced to the necessity of turning it into a defensive war. Whether this proceeded from the real state that the country was in, or the unsuccessful attempts that we had made, he knew not; but this measure seemed to proceed mostly from a wish that Ministers had to obtain from the people, by agreeing to this subscription, such an approbation of their measures as they could bring to Parliament, as the opinion of the people at large; and in this grasp at popularity, by this rash and unprecedented step, they had entirely forgotten the Constitution, and left it out of their sight. With regard to the opinion of the people, that was sufficiently evinced by the reception the message had met with in different parts of the country; in Hertfordshire the proposal had been refused, and so in Essex. In Oxfordshire they had got rid of it by an empty compliment of their confidence in the Minister, a quarter from which he might have looked for more solid support. In Warwickshire, those who had met had done what he thought should afford an example to the whole country—they had come to a resolution "that they would support Government, and defend the country to their utmost, in any manner approved of, and consented to, by the King, Lords, and Commons, in Parliament assembled." He then noticed the proceedings of the county of Surry, and particularly the advertisement, which, besides calling a meeting to collect the opinion of the people, held forth such hints and insinuations, that they were little short of threats to all who did not agree to the purpose for which it was called. Those who did agree to subscribe were to be reckoned friends to Government, and those who did not were to be considered as marked men. They however came to one resolution, which was highly proper, and several noble Lords present had concurred in it, and signed it; he trusted he would have their support as to the illegality of this requisition.

In Scotland, where meetings are not managed with so much regularity, the matter had been carried farther. He had a letter, which he read, from the Sheriff of Berwickshire, stating the proceedings of a county meeting, where they agreed to subscribe accord-

ing to their landed property, but at the same time thought they had no right to tax those who were absent, without their consent, and therefore had written to all such proprietors, stating what they had done from their love of the country and constitution, and asking for their concurrence. Now he, for one, did not approve of their conduct; and on this account, was it to be said that he had less love for the constitution than those gentlemen? This doctrine, of men being marked who were in opposition to the measures of Administration, he saw carried to a greater length, and expressed in plainer language, the farther he went from the capital. In short, the present measure was nothing but a forced loan—money extorted from the people, from an apprehension of the risk that all those who refused it must run of being reproached with every calumny that malice can suggest. He recapitulated the magnitude of the question, which involved two most important points; first, the levying of money from the people—and next, the keeping an armed force in the country without the consent or sanction of Parliament. He advised Ministers to consider that what they had done rashly they ought to revise coolly, and not obstinately refuse that redress to the country which their obstinacy and blunders called for. He warned them, if from that same obstinacy they meant to carry on the war, with the melancholy prospect now before them, not to depend upon the present measure as a suitable resource or expedient for that purpose. They might, from an acquiescence in this subscription, derive some apparent popularity to their conduct, but they ought to have the fate of France before their eyes; let them recollect that the patriotic gifts of that country, which they had esteemed as a resource for carrying on the war, soon produced a forced loan. He concluded by moving, "That it is a dangerous and unconstitutional measure, for the people of this country to grant to the Executive Government any private aid, benevolence, or subscription, for public purposes, without the consent of Parliament."

Lord HAWKESBURY denied the conclusion that the noble Earl had drawn from his premises, because those premises were not established. In the first place he should take upon him to say, with the greatest confidence of the fact being incontrovertible, that the subjects had, at all times, in case of a war, a right voluntarily to come forward, and aid and assist, either personally or by money, the executive arm of Government, in support of a war sanctioned by the voice of Parliament. Were the subject not allowed to do this, his liberty would, indeed, be confined within narrow bounds. His Lordship said, he was rather surprised, after all which had been said on this subject in former debates, that any rational man would

venture to come forward, and, under a pretence of defending the constitution from a violation of its letter, attempt to arrest the ardour of the people from preserving its spirit. He did not by this mean to insinuate that there could exist the smallest attack on any of our most valuable privileges by the measure which seemed so opprobrious to the noble Earl who made the motion. Government was only copying that very line of conduct pursued by its predecessors for a long series of years, and which conduct had never been attended with the smallest injury to the constitution. On the contrary, it had been the means of saving it. In respect to what the noble Earl had advanced on the subject, so far as his argument went to the years 1746, 1759, and 1782, the real and true deduction made against, and not for, his Lordship's argument.—Troops were then raised by individuals, and paid by them, for the common defence of the empire; and he ever held, and would hold, that in times of rebellion, of insurrection, and of threatened invasions, Government had a right to set such a practice in motion, submitting the propriety of it in as speedy a manner as possible to Parliament. He referred the noble Lord to the debates in 1782, when this measure was most fully discussed and decided upon in favour of its propriety by their Lordships, on a division of 90 to 30; and if the noble Earl was honestly and fairly to draw a distinction of principle between the enemy we had then to contend with, and the dreadful wretches against whose destructive principles we were now waging war, he perhaps would not be surprised at the very small minority that must, if he ventured to divide the House, be on his side of the question that night.

The noble Lord said, the main purport of the question went to this point: Had a rich man, in support of a war sanctioned by Parliament, a right to give part of his substance to the support of that war, in order to ease the burdens of the poor, or had he not? The noble Earl surely could not venture to say, "No, he shall not; every subject shall be assessed alike, whether he is or whether he is not able to pay that assessment:" and thus on a system of equality, in a case of emergency, do that which was diametrically opposite to justice, to reason, and to common sense. The rich had a large property at stake, and it was but equity that they should come forward when that property was in danger, and liberally subscribe towards its protection. The man who stood up against such a matter as this, was no friend either to the manufacturer or labourer. As to what had fallen from the noble Earl respecting the 13th of Charles the Second, and the 1st of Richard the Third, they were cases not at all in point. The noble Lord then quoted all the great

law authorities that had delivered their opinions on this point, among whom was the Lord Hardwicke, one of the most spotless characters that ever presided in a Court of Justice. These enlightened, and he could truly say, patriotic men were decidedly of opinion, that it was legal and constitutional to call in the aids, or benevolences, if the noble Earl liked the word better, of the subject to assist the Executive Government in cases of danger, submitting the matter immediately after to the consideration of Parliament. The case however in the present instance was stronger than this; for Parliament had, in a principal measure, voted the necessity of so doing, before it was proposed to the Lords Lieutenants of the counties. He insisted that it was a misstatement of fact, where it was asserted that subscriptions were solicited by His Majesty's Ministers before the county had decided on the propriety of such a step. The fact was, and the circular letter spoke the truth, that nothing more was done than desiring the Lieutenants to call county meetings for such purpose, who might come to a resolution, but who certainly were not to subscribe one farthing until the plan was sanctioned by Parliament. Was this an act inimical to the Constitution? Did this militate against Magna Charta or the Bill of Rights? Did this threaten the rights and liberties of the subject? Or did it add to the prerogative of the Crown? There was no man could say it was an extension of the royal power, to permit a man to subscribe, or not to subscribe, as his ideas of the justice of the case led him, to the support of the present war. There was no compulsion in the case, it was an act that left the subject to his own free agency; and invention must be tortured indeed to find out an argument that carried even a shadow of reason that militated against the true patriotism and the real justice of the measure. He asked the noble Earl, whether to levy men, in cases of emergency, was an act militating against the Constitution? For if it was, then every augmentation of our forces on the present occasion was illegal. For men could not act without something to support them, and yet this was the common practice in time of war. Forts could not be repaired, batteries could not be raised, and ships could not be manned without money, and yet all these acts preceded an application to Parliament. What then was the present act? It did not raise the money, it only took a step preparatory to that business; nor was it ever in the contemplation of His Majesty's Ministers to raise a corps of men and support them by private subscription. Their conduct was the direct contrary, for the measure of augmentation was constitutionally mentioned in a message from His Majesty to Parliament, to which Parliament gave its unanimous assent. The next step was, how and in what man-

ner to subsist these men, so as to be least burdensome to those who were least able to bear the burden? An application in general to the people was deemed the most expedient, and the least oppressive, because it left to the people the right of judging among themselves who was, and who was not, able to contribute to the support of the additional force. This naturally threw the burden on the rich, and of course must lessen the weight on the poor. Whereas, if the matter had come in another shape to Parliament, the tax must have fallen equally on all. How, therefore, this could be called an unconstitutional doctrine, was a solecism in politics that none but those few who combated the idea could solve. They had their reason, no doubt, for opposition, but on what justice that opposition was grounded, did not at present appear. The noble Lord concluded with observing, that as the motion made by the noble Earl was totally unnecessary, and as it might tend to give an idea that His Majesty's Ministers had acted wrong in this business, though the words did not expressly say so, nor the conduct of Government come within their apparent meaning, he should move the previous question.

The Earl of MACCLESFIELD said, that if the noble Earl thought that the subscription was abandoned in Oxfordshire, he was misinformed.

The Earl of LAUDERDALE said he had only stated what he had heard with respect to Oxfordshire; and that from very respectable authority.

The Earl of WARWICK said, what had been done with respect to the country of Warwick, was at a meeting held at the St. Alban's Tavern, where there were only a few gentlemen present, and where he had been called to the chair. He had not yet received an answer to the letter he had sent to the High Sheriff, but from the communications which he had from the Magistrates, he could declare that the gentlemen of the county were too well acquainted with their duty, in times of public danger, not to subscribe chearfully to promote the interests of the country, and to conform to whatever King, Lords, and Commons should think proper. His Lordship said that he did not conceive it proper that any man should throw obstacles in the way of a measure calculated to promote the welfare of the kingdom. For his own part he would act as a friend to the Constitution and a friend to Government.

The Earl of DERBY said it was always with diffidence and pain to himself that he troubled the House, and no man was more averse to throwing obstacles in the way of Government upon trivial grounds; but certainly the same measures might strike different men in different ways, and he owned that he saw this measure in

another light from the noble Earl who spoke last. He approved much of the proceedings in the county of Warwick, and considered the sanction of Parliament to be the *sine qua non*. As to compulsion, which another noble Lord had dwelt so much upon, he would ask if there was not more than one sort of compulsion? Might not a man, from many reasons that could not be called compulsion, do a thing he conceived not to be strictly right, rather than expose himself to the reproaches, however merited, that, from the temper of the times, he was liable to, if he did not agree to it? This, he knew, as a fact, that persons had subscribed who disapproved entirely of the measure, and had told him, merely because they foresaw the manner in which they would be misrepresented if they did not. This might be called compulsion on the mind, and to any feeling, mind was as great a compulsion as any that could be imposed. He considered this requisition, (the only name it could properly receive,) as perfectly against all the statutes that had been quoted. As to the word "desirable," it was enough that those who did not acquiesce were to be considered as marked men. Another objection to this mode, was its uselessness for the defence of the country: the Public were not uniform in their opinions: one county was for a regiment of fencibles, another for a company, a third for cavalry, and in this disjointed and confused way was it possible that such forces could ever be brought to act properly together, upon any emergency, like regular disciplined militia? With regard to the appropriation of these sums subscribed, the counties had no information, it was indeed stated, that they were to be under the controul of a Committee, but what Committee? Nobody knew. The precedents that had been brought forward in support of the measure did not at all apply. He stated the opinion of Earl Mansfield on the case of 1778, but likewise reminded the House how it was answered by Earl Camden. He then said, that majorities were not always in the right, he, for one, had long been in a majority that he would repent of all his life time, it was for carrying on the American war, he saw his error amongst the first who did, and likewise saw that majority dwindle into a minority. Ministers must be convinced, that in their hurry, which was the worst way of doing any thing, they had done wrong; and as it was never too late to do well, they should acknowledge their error, and make amends for it by their conduct; now the opinion of the country was pretty evident, as the subscriptions were not to be touched at all, till it was known whether Parliament approved of the measure or not.

The Marquis TOWNSHEND affirmed, that in the county of which he had the honour of being Lord Lieutenant (Norfolk) the

part of subscribing in order to raise a force for the defence of the country, had not been produced by the solicitations of Government, but had first shewn itself among the people themselves, who were alarmed for the existence of their King, their Constitution, their religion, and their property, by the proceedings of the Democrats in Britain, who in corresponding Societies were taking measures to introduce all the enormities which were raging in a neighbouring nation. That there were persons in this kingdom who corresponded with the French, and were desirous of introducing their system among us, was well known to Government, and tolerably well known to the Public in general. He therefore hoped a proper force would be established at home, to be composed of persons well affected to the Constitution, and headed by the gentlemen of property: it would also be particularly advantageous that these corps should consist of the middle classes, who must be well acquainted with those in their neighbourhood who might be suspected of disaffection to the Constitution, and who, in case of any commotion in manufacturing towns, such as Norwich, might be enabled immediately to fix on such persons as would be most likely to promote it. This was an advantage which regular troops could not possess; they could not distinguish between the loyal and disloyal part of the community. The Marquis read the following extract from Mr. Fox's speech in the House of Commons, in 1782:

Were we afraid of putting arms into the hands of the people of England? God forbid! They were a brave people; but not more distinguished for courage than for loyalty: it was their characteristic; and they were the most loyal people in the universe. He would trust arms in their hands for the purpose of repelling the attacks of their enemies. He would be happy to see them spending an hour every day, and more upon Sundays and holidays, in acquiring the use of arms, and making themselves capable of acting with effect whenever an occasion of danger should call upon them. He concluded with declaring the necessity that there was for such a measure as the present, and saying,

"*That His Majesty's Ministers would certainly come to Parliament for advice and assistance, in every measure that should require their aid. At present this was only an invitation; and the plan was not ripe to be laid before the House**."

His Lordship then read a letter from Lord Shelburne, on the same subject, which invited the people to arm, in order that the regular forces might be employed abroad. He contended, that the plan then adopted by Ministers was exactly similar to that which was proposed at present. If France should prevail in the contest, and get the better of Holland, where would be the security of that

* Vide the Parliamentary Register for that period.

shore opposite to it, or even of the Capital itself? The Militia, he said, should be increased, and such a force raised as might give perfect security at home, while the army was employed abroad.

The Earl of DERBY observed, that as Government knew of persons who corresponded with the French, they were highly culpable in not bringing them to Justice; he condemned the principle of arming one description of men against another, because private animosity might avail itself of that pretext to take vengeance on the King's best subjects.

The Earl of CAERNARVON contended, that the subject had a right to subscribe towards an object that was legal, without the consent of Parliament. The Crown could not raise money by compulsion, or without the consent of Parliament, which was not however necessary to every application of money to a legal object. From Magna Charta down to the Declaration of Rights, there was no act to restrain the subject from employing his money as he pleased, provided it was not for an illegal purpose. The Petition of Rights only declared, that no man cou'd be compelled, under pretence of prerogative, to give his money without his own consent, or that of his representative. Some of the Lords in favour of the motion had said, that it was not legal to ask, but it was legal to give without being asked. This was a distinction he did not understand. But, in the present case, they must prove that it was illegal to communicate the plan. If individuals were not allowed to raise men for their own defence, and entered into contracts with Government for that purpose, was it more or less illegal to propose to raise money, or could the one be obtained without the other? But Government had not been censured for that measure, nor had Parliament ever taken it up as unconstitutional. A Minister must negociate a loan, before he can propose the terms to Parliament, but according to the doctrine now attempted to be established, it is illegal to propose even a loan without the previous consent of Parliament. Lord Shelburne had gone farther than His Majesty's Ministers had now done, and he regretted that the noble Marquis was not present, as he, no doubt, could fully illustrate the subject, and would prove that the same measure had been by him then adopted.

Lord HARDWICKE gave an account of the nature of the plan, and of his having proposed it to the Grand Jury. The paper, his Lordship said, was not necessary, but it was not unconstitutional. He had only to refer them to what passed in 1782, when the now noble Marquis (Lansdowne,) then Lord Shelburne, signified to those who came forward in aid of Government the thanks of the King for their zeal and affection.

ord ONSLOW denied the justice of the assertion made by Lord Lauderdale, that the advertisement calling a meeting in the county of Surrey, which he owned he had written, carried any thing like a threat with it. It only presumed, that all the friends of the King and the Constitution would be present; but he could not comprehend how that could imply that those who were not present, or who did not subscribe, would be pointed out as marked men. He asserted, that the meeting in Surrey did not put a negative upon subscriptions for raising troops, which were to be afterwards sanctioned by Parliament. He had been much misrepresented and abused; but he laughed at those who proposed to bring him to the bar of the House of Commons, for having done his duty as Lord Lieutenant of the county. The same conduct he had adopted on this occasion had been pursued by his predecessors, and by some of the greatest men that lived in it; and no fault had ever been found, till those who pretended to be jealous of the Crown would not allow the subject to come forward to aid it, even when it was for their own security.

Earl STANHOPE said, he did not intend to have spoken at all upon this question, but he felt himself called upon by the allusions made to the conduct of a noble Marquis (now absent) in the year 1782; that was perfectly different; and after the discussion a few nights ago, wherein it was almost unanimously the opinion, that no standing army could be kept up in this country without the consent of Parliament, he was surprised that a doubt could be entertained on this question. There was only one person who ventured to say otherwise; and so convinced was he of being wrong, that he took an early opportunity to retract what had been taken particular notice of in the protest of a noble Earl.

Lord SYDNEY called him to order, observing that it was improper to advert to the speeches of the Members of that House, which had been delivered on former occasions.

Lord LAUDERDALE maintained that it was more orderly for Earl Stanhope to allude to former speeches in that House, than for a noble Marquis (Townshend) to read what had been reported as the speech of Mr. Fox in the other House.

Earl STANHOPE insisted, that the only way of ascertaining whether he was disorderly or not, was to take down his words, and to move a question upon them.

A conversation respecting order then took place between Lords Derby, Grenville, Onslow, the Duke of Leeds, &c. when

Earl STANHOPE strongly maintained that he was in order, for that he had not alluded to any speech, but to a motion on a former occasion (when Lord Auckland moved to rescind a part of

Lord Radnor's protest.) The measure proposed by Administration he pronounced to be illegal and unconstitutional, in as much as the object was illegal. He maintained, that the King, by virtue of his prerogative, could not keep a single man without the sanction of the Legislature. It could not therefore be legal to contribute to the support of that man. If a great armed force was necessary for the defence of the country, he would readily concur in raising it; but if arms were to be put into the hands of any large part of the people, he would recommend that they be put into the hands of the whole people; a recommendation which was contained in the bill of Rights, and which he wished every man in the country to follow; and a recommendation which was ably justified in a pamphlet written by a noble Lord (Hawkesbury :) a discourse on the propriety of arming the nation. He deprecated the principle of arming the people partially, for in that case, every man suspected of being a warm friend to liberty might be put in danger, while arms would be only given to associators, and, in fact, this measure amounted to nothing less than arming one part of the country against the other. He reprobated the prerogative doctrines lately brought forward and acted upon by Ministers. The tyrant's plea, state necessity, had given sanction to many measures which could not be justified. As to the motion for the previous question, he said, it was a mere subterfuge to evade the material question. It means this: "You are right, "but I don't choose to acknowledge it; neither will I vote against "you, for that would subject me to obloquy, by voting against a "self-evident proposition." This explanation his Lordship thought proper to make for the information of young Members. He condemned the measure of Government calling upon the people for contributions for raising an army without the consent of Parliament: he reprobated the landing of foreign troops without the same consent. He described the Marquis of Lansdowne's letter in 1782, as a measure very different from that now before them. If Ministers were to go on with their present prerogative doctrines, it was impossible to say where they would stop; and he supposed that we should soon have subscriptions both of Austrian troops and money to take care of us, if it was not that Austria was already almost too poor even to take care of herself.

The LORD CHANCELLOR lamented that theoretical questions on the Constitution had become so frequent. Their ancestors, in their wisdom and gravity, had avoided all abstract questions, and had confined themselves to points of the most clear nature, not thinking it prudent to touch upon those which might admit of contrary opinions. But when an abstract theoretical proposition was

couched in ambiguous terms respecting the Constitution, it became a subject of extreme delicacy, and to prevent the necessity of coming to a direct negative or affirmative, the previous question had long been deemed the most effectual mode of getting rid of the original motion. In the present instance his Lordship did not think that the question originally moved, could be matter of discussion for that House, and was decidedly for the previous question. He would not, however, adopt as the meaning of the previous question, what the noble Earl had affixed to it. The real meaning was this— That when a motion was made that was not fit for discussion, the previous question was moved to get rid of it altogether, and prevent altercation upon a subject that did not admit of argument. He went much at length into the impropriety of discussing theoretical opinions, and questions respecting the Constitution, upon abstract principles that did not arise from them; and when no case existed upon which any point could be at issue, or called for discussion.— He at last came to the question, which he read, and declared that conceived as it was, he felt himself perfectly at a loss how to comprehend it. What granting private aid or benevolence for public purposes was, he could not understand. But what was it that was complained of? The communication of a plan to the Lords Lieutenants, who were the best-informed of the situation of their counties, and the nature of the defence suitable for them. In some, corps of cavalry might be most proper—in others, infantry might be preferable. Were Ministers to determine what they did not know, or not consult those persons who were the most capable of giving them information—The plan was, either to augment the militia, or to give it volunteer companies, or to raise volunteer troops of cavalry, or even pioneers, where they might be wanted. Such were the outlines of the plan, which, as soon as it was formed, would be submitted to Parliament, but that could not be done before it was fit for inspection. His Lordship then took notice of the precedents that had been mentioned. That of 1746 he considered at some length. Twelve loyal and spirited noblemen proposed to raise each a regiment at their own expence, which was accepted. The rebellion had made some progress, and the rebels had obtained some advantage over the King's troops. Parliament was not sitting, but the regiments were raised. Two Members of the House of Commons, Sir John Phillips, and Sir William Hynde Cotton, found great fault with the measure, by saying that it was a scheme to destroy the liberties and Constitution of the country.— These two Members, as appeared in the sequel, had other views than the safety of the Constitution: like some others, they only

made it a pretext for concealing motives of a very different nature. When Parliament met, Sir William Young gave in an estimate of the twelve regiments which had been raised, and demanded their subsistence for four months: no objection was made to the measure in Parliament, nor was it found to be unconstitutional. In 1759, little was said on the subject; but in 1778, it had been fully considered. In 1782, it had been proposed and carried into execution in a more complete manner than at present. His Lordship next adverted to what had been advanced by Lord Stanhope, about arming the people in a mass. He hoped that arms would never be entrusted but under the direction of men of property. From the sad example that prevailed in a neighbouring nation, the danger of such a proceeding was clearly seen. The motion, he said, was conceived in words capable of different meanings, and calculated solely to perplex. He could not understand why benevolences, subscriptions, and other phrases, had been introduced, but that they were susceptible of illegal and unconstitutional interpretation, though they had no relation to the question before the House. He then called on the House to consider the object of the present subscription. Admitting, for the sake of argument, that the produce should not be applied to the most judicious purposes, neither the nation, the Constitution, the liberties of the subject, nor the privilege of Parliament, could suffer the least injury or degradation from the measure being carried into execution. His Lordship could not do otherwise than vote for the previous question.

Earl STANHOPE rose to explain what he had said about arming all the people as a wise measure; he took his arguments on that point from a pamphlet written by a noble Lord (Hawkesbury) on which he bestowed very great praise.

Lord HAWKESBURY said, he would have been as well pleased had the noble Earl been less lavish of his praise on that subject. The pamphlet was written about thirty seven years ago, when a young man, and it was not improbable or unjustifiable that he might have changed many of the opinions it contained since that time. If it contained any maxims for arming the people in the manner that that noble Lord had proposed, he would feel himself particularly called upon to disclaim it; for he totally condemned such doctrines and maxims.

The Earl of LAUDERDALE rose in reply, and briefly noticing the arguments of the noble and learned Lords who opposed his motion, declared he could not discover, either in the legislative acts of the Commons in England, or in the precedents that had been adduced, any authorities whatever in support of the measure of His

Majesty's Ministers, in their late address to the Lords Lieutenants of counties. From the time of Richard III. to the act of the 13th of Charles II. the practice of the Legislature had been in direct opposition to such measures; and that very act, (the words of which he quoted,) was a specific proof that they were considered as unconstitutional. His Lordship then stated, that the arguments he had used, so far from contradicting, were strictly conformable to the doctrines maintained by Lord Hardwicke and the late Lord Mansfield. He concluded with adverting to the precedent of 1782, which had been so much insisted on, and which his Lordship strenuously argued contained no expression or word, direct or implied, that could by any interpretation be construed to favour a practice so inimical to the British Constitution. No pay in the first instance was offered; no man was taken from his labour; it was only recommended that they should assemble for an hour of an evening, and habituate themselves to the use of arms: and it was expressly said, that if they were called into actual service it should be under the authority of Parliament. In the course of the reply, the noble Lord took occasion to remark, that he defied any man to shew any inconsistency in his public conduct, or any deviation from the path he had at first chosen, which was a steady pursuit of the good of his country, and the support of the Constitution.

Lord GRENVILLE then rose, and after a short preface, in which he remarked, that after the arguments that had been heard, it was unnecessary for him to go fully into the subject; he said, he should confine himself to one single fact, viz. the manner in which the message of the Ministry of 1782 was understood by the country at large. He would decline reading the numerous proofs he had collected, and that he then held in his hand, unless their Lordships should express any doubt of their accuracy, and would limit himself to two of them, which were so directly to the point as not to admit of doubt or misinterpretation. The first of these was the address which came from the cutlers company of Sheffield, in which it was stated that the message had been received, and that they had not only embodied themselves, for the defence of the kingdom, but had entered into a subscription to provide a fund for that purpose. His second proof, Lord Grenville said, was equally pointed, though of a different complection. The Mayor of Yarmouth returned an answer in the name of the Corporation, saying that the freemen of the town were willing to incorporate in defence of the country, but were unable to defray the expence, as their trade had been ruined by the war and half their ships taken, and because they already entered into a subscription, at the requisition of Govern-

ment, to erect batteries for the defence of the town, and that batteries had accordingly been erected. Either the requisition of the Ministry of 1782, was capable of being understood or it was not. Of the manner in which it was understood, the facts he had recited, and numerous others that he was ready to produce, were sufficient proof. If entering into subscriptions for such purposes was an unconstitutional act, the then Ministry was highly culpable for not immediately informing those who had misunderstood their meaning of the magnitude and danger of their mistake.

The House then divided on the previous question,

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The House adjourned.

Monday, 31st March.

Lord HAWKESBURY gave notice, that on Thursday next, he should bring forward a motion relative to the navigation laws. Ordered the House to be summoned on that day.

The House adjourned.

Tuesday, 1st April, and Wednesday, 2d April,

No debate.

Thursday, 3d April.

The Marquis of LANSDOWNE took an opportunity of adverting to what had transpired in that and another House relative to subscriptions for raising a force without the interference of Parliament, and particularly to the stress that had been laid on the measure of Administration in the year 1782. He availed himself, he said, of the first opportunity that offered on their Lordship's being summoned, to assure them it was the merest accident, an unforeseen and unavoidable one, that prevented him from attending on the day on which this doctrine had been held in that House, as a noble Duke near him, (the Duke of Grafton) could testify. So little resemblance was there between the measure now carrying on, and on which there was a recent resolution of their Lordships, and the measure of 1782; that the one was the most constitutional, the other the most unconstitutional measure ever adopted under a Government of this country since the time of Charles I. But Mini-

ſters finding proofs multiplying upon them, and very ſtrong grounds laid down againſt their meaſure, had recourſe to the precedent of 1782, which was totally diſſimilar from the preſent caſe, as he ſhould prove at a future time. He did not think it right to enter upon the grounds of that meaſure which they had approved of, nor to interfere with any thing their Lordſhips had reſolved upon. He roſe now for the purpoſe of ſaying, that if accident had not prevented him from attending the other day, when the ſubject he had alluded to was diſcuſſed, he ſhould have given as decided a vote againſt this laſt meaſure of Government as ever he did in his life: for he had no party to adhere to, nor any temptation whatever to depart from the principles he always avowed, and which it was the pride of his life to maintain. Having ſaid this, he was ready either to appoint a day for the full diſcuſſion of the meaſure, or to leave it to an opportunity which would ſoon offer itſelf in that Houſe as there was a bill now depending in the other, in which this queſtion was involved, and which in the due courſe of proceeding would come before their Lordſhips early in the next week.

Lord GRENVILLE ſaid, it was entirely in the diſcretion of the noble Marquis, whether he would make a ſpecific motion upon the ſubject, or argue the queſtion when the bill alluded to came before the Houſe. But in whatever manner it was brought forward, he was ready to meet the noble Marquis, or any other noble Lord; and to prove, that the meaſure now adopted by His Majeſty's Miniſters was perfectly conſiſtent with the law and Conſtitution of England.

Lord HAWKESBURY called their Lordſhip's attention to the naval trade and commerce of this kingdom, and the different laws and regulations by which it was governed. He entered into a hiſtory of both from the earlieſt period of the reign of Richard II. down to the time of paſſing the laſt navigation act, which was in the year 1786. He expatiated on the policy of our navigation laws, as founded on the wiſdom of our anceſtors, and improved upon from time to time on the original principle which gave them birth; and contraſted theſe laws with thoſe of other powers, and ſhewed the ſuperiority of ours, both in the protection given to our naval commerce, and the increaſe of our naval force. As the laws now ſtood, all ſhips importing into this country the produce of Aſia, Africa, and America, and of Ruſſia and Turkey, muſt be built in the Britiſh dominions—as veſſels, made free of the Britiſh ports, and three-fourths of the ſailors employed in navigating any ſuch ſhips during peace, muſt be Britiſh ſailors; by theſe means we not only extended our trade, but alſo provided ſuch a number of ſailors

for the service of the country in time of war as could not otherwise be collected. There were, however some defects, which it was his intention to remedy by a bill he would now introduce, but not to take place till after the conclusion of this war, when no less than 60 or 70 thousand men must be discharged from His Majesty's navy, and for whom he meant to make a provision by this bill.—The chief clause of this bill would be to compel all British merchant ships whatever not to employ more than one-fourth of foreign sailors in their trade, for the existing laws in this case had been liable to infringements, a late instance of which had brought this particularly to his consideration; it was that of a ship coming to Cowes, in the Isle of Wight, laden with gunpowder, and all on board, except the Master, were foreign sailors. The vessel was stopped by the custom-house officers, as many suspicions were entertained about the real destiny of the cargo; upon investigation, however, it appeared, that it was an English vessel laden in Holland with gunpowder for the King of Sardinia; but, the circumstance of all the sailors being foreigners, his Lordship had referred the case to His Majesty's law officers, who reported, that the existing laws did not provide against such cases.

Another clause would regard the coasting trade, in which at present three-fourths of the sailors employed in each ship were British subjects; this he wished to be confined to British mariners only, during the time of peace, on the grounds, that in a trade carried on between one port and another in Great Britain, English mariners could more easily be got; and also, because he thought it impolitic to suffer foreign sailors to become too much acquainted with the ports of this country.

Another clause of great importance was, that which concerned the out-going ships with the freedom of the British ports; by this we were enabled to know at any time the number of ships belonging to this country, their measurement, the number of sailors employed in them, a particular description of them, and the names of all the owners of each ship: nothing could exceed the utility of such a register; it extended to the sale of such ships as are free of the British ports; but in this it was defective; for though it obliged the parties to make a certificate of the sale, in order that it might enjoy the privileges of a perfect ship, yet it had some time occured that this had been evaded,- as in the instance of a ship that was sold at Savannah, and had traded to different countries under the privileges of a British vessel, without these forms; but it being at length observed by an Officer of His Majesty in the West Indies, it was stopped, and an action brought on the case; the Judges decided it

in favour of the vessel, on the plea, that being sold out of England, it could not make the proper entry in the register. The matter was afterwards brought before the Privy Council, when a noble Earl who presided (Earl Camden), gave it as his opinion, that the intention of the laws in that case was, that every ship having freedom of the British ports, if sold abroad, should, immediately after disembarking the cargo which she had taken at the port where she was sold, at the place of its destination, return to England to be enregistered. This his Lordship meant to establish in the bill he would introduce, and which would prevent ships, no longer belonging to this country, enjoying the privileges of our free ports. His Lordship next gave an account of the actual state of the shipping of Great Britain, by which it appeared that there were 16,079 ships, measuring upwards of one million of tons, and employing above 118,000 sailors belonging to Great Britain, of which 12,000 ships employ 107,000 mariners belonging to England alone. He added, that Liverpool alone, in the last war, fitted out privateers, and manned them, of which the tonnage and sailors exceeded the force sent out by Queen Elizabeth to meet that grand Spanish armada, the history of which yet remained on their Lordships' walls. This he gave as a proof of the growing prosperity of the navigation of this country, gradually advancing to its present eminence during the space of four hundred years, and rapidly rising within the last century.

After having gone through the whole of the provisions of the bill, and the comparative estimate of our sources of naval strength, and all the arguments on the propriety of the measure, he concluded with moving, "That the bill be now read a first time," which being done, his Lordship moved, "That this bill be read a second time to-morrow." Ordered.

Friday, 4th April.

The order of the day being read,

Earl STANHOPE rose My Lords, said he, concerning the extent, the object, and the importance of the motion I have to lay before you, I am convinced that no blame will this night attach to me for requesting your Lordships to be summoned; as an Englishman supporting the honour of my country, as a Christian in doing the duty of my situation, and maintaining the principles of religion, without which it is impossible that any country can prosper, I this night appear before your Lordships: this principle I shall first lay down, that no country can thrive which depends on the miseries of another; as a man actuated by motives of philanthropy, I have

been induced to intrude myſelf on your indulgence. My Lords, an expreſſion having been made uſe of, repugnant to every principle of humanity, of religion, and of ſocial duty, I wiſhed to remove the idea of this Houſe agreeing with ſuch an abominable ſentiment, as that the Miniſters of this country ought to interfere in every manner poſſible to excite civil war; and I come, my Lords, fortified againſt ſuch a ſentiment, with the reſpectable authority of a right reverend Prelate on the bench oppoſite me (the Biſhop of Norwich). You will, my Lords, I am certain, be induced to agree with what may fall from the reverend Bench; but this I at leaſt have reaſon to expect, that none of his reverend brethren will differ from his doctrine; and though, my Lords, there is much of this ſermon to which I cannot give my approbation, yet theſe are ſentiments which have made a forcible impreſſion, and have my full concurrence.

" The occaſions that have given riſe to faſts," ſaid the Biſhop, " are as various as the calamities to which ſociety is ſubject.— Dearth, famine, peſtilence, and amongſt the greateſt of ſocial evils —war. It is among the greateſt of ſocial evils, becauſe it carries in its train many of thoſe to which I have alluded, and is connected with the worſt paſſions of the human mind. The inclemency of the elements, and the wide waſte of infectious diſeaſe, are leſs to be apprehended, becauſe leſs frequent in return than the murderous conflicts of enraged nations. To enumerate the cauſes of the war were a fruitleſs attempt; and indeed if they were capable of being numbered, the application of them would be matter of ſtill greater difficulty. Wars are often known to the many, only by the devaſtation and ravage they commit, where ' the land before them is as the garden of Eden, and behind them as a deſolate wilderneſs.' But the ſources from which they are derived, are inſcrutable to popular inquiry. Whether they originate from revenge, jealouſy, ambition, caprice, policy, or the only legitimate cauſe of war—ſelf-defence." Such had been the admirable character which a learned and pious Biſhop had given of war, when appointed to preach a ſermon before their Lordſhips; and ſurely the whole bench of Biſhops would feel it to be their duty, as followers and teachers of the divine law of Chriſt, to do their utmoſt to put an end to a war which was thus fraught with ſo many calamities to mankind. What were the motives of this war it would be impoſſible for any noble Lord in that Houſe to explain. " They are really inſcrutable to popular inquiry." Every poſſible motive that could be thought moſt likely to inflame men's minds had been aſſerted; and, among others, religion had not been forgotten. " Religion," ſaid

the fame pious Bifhop, "had often been preffed into the fervice of war, and compelled to bear the bloody ftandard of ambition. Hence doubt and fufpicion naturally arife, whenever religion is faid to be connected with war." "In the agitation and ferment of the public mind, infeparable from a ftate of warfare, it is the efpecial province of religion to inculcate temper and moderation, and whether elated by victory, or depreffed by misfortune, to reftore the nation to its proper level."

Here, my Lords, temper and moderation are particularly recommended; and, that temper and moderation fhould be exercifed in the conduct of this war, is what I particularly defire to imprefs: I wifh you to abftain from thofe wanton cruelties which were fo much condemned when attempted to be practifed in the war againft America, as contrary to every principle of God and Nature. I fhall confider this queftion as an abftract propofition; I care not from whom the fentiment fell, or where it was delivered; to me it is immaterial; but I wifh this night to lay down a rule of conduct, from which His Majefty's Minifters, in future, fhall not dare to deviate. It had been advanced, my Lords, in this Houfe, that if we could not accomplifh our object by force of arms, that no expence ought to be fpared by His Majefty's Minifters to excite a civil war in France; that is, that we fhould fuffer our Miniftry to ufe bribery and corruption to withdraw Frenchmen from the allegiance which they owe their Government; and this, not for the purpofe of affifting this country, but for the purpofe of eftablifhing a Government in France, directly in oppofition to the will of the majority. This, my Lords, is repugnant to the law of nations; and that it is fo, I fhall prove to your Lordfhips, from the following extract from Mr. Juftice Blackftone's Commentaries:

"The law of nations is a fyftem of rules, deducible by natural reafon, and eftablifhed by univerfal confent among the civilized inhabitants of the world; in order to decide all difputes, to regulate all ceremonies and civilities, and to infure the obfervance of juftice and good faith, in that intercourfe which muft frequently occur between two or more independent States, and the individuals belonging to each. This general law is founded upon this principle, that different nations ought in time of peace to do one another all the good they can; and, in time of war, as little harm as poffible, without prejudice to their own real interefts. And, as none of thefe States will allow a fuperiority in the other, therefore neither can dictate or prefcribe the rules of this law to the reft; but fuch rules muft neceffarily refult from thofe principles of natural juftice, in which all the learned of every nation agree."

I am likewife ftrengthened in declaring, that fuch conduct fhould not be purfued, when I advert to a publication on the conduct to be

obferved with refpect to neutral nations, written by a learned Lord, who made a moft excellent motion yefterday for the advancement of our commerce, (Hawkefbury;) that noble Lord has faid in his publication, that England was fo diftinguifhed for a variety of bleffings, that fhe fhould be particularly careful of her own intereft; and, in comparing it to others, he felt a noble indignation in contrafting her fituation with arbitrary Governments. In that pamphlet the noble Lord alfo ftated, that the mifery of France was fo complete, that he did not think that country worth preferving. But, my Lords, are we from this to infer that we fhould throw chains about the necks of this unhappy people, not for a few years, but that we fhould harrafs and diftract them by all the horrors and calamities of a civil war? By thus exciting brother againft brother, father againft fon, and fon againft father, to make their mifery perpetual; if any Lord fhould be inclined to purfue fuch conduct towards this unfortunate country, I will not agree in its propriety; and I glory in widely differing from fuch opinion. But my Lords, what right have we to interfere in the Government of France? What right have His Majefty's Minifters to think of dictating any Conftitution to an unreprefented people? France is not reprefented by the Parliament of England. We have feen, in the declaration of Lord Hood, that this country was to eftablifh a monarchy in France; this declaration has in this Houfe been attempted to be done away, by fome Lords affuring us, that my Lord Hood and Sir Gilbert Elliot only expreffed the opinion of their Sovereign in favour of the re-eftablifhment of monarchy. You difclaimed in the commencement, any interference in the fettling the Government of France; why do your Minifters prefume to exprefs then any opinion? Is it not the immutable right of every nation to form its own Government? We do not reprefent the people of France; we have, therefore, no voice on the fubject: your Minifters fay, that Sir Gilbert Elliot only expreffed himfelf in favour of monarchy; curious expreffion: did he not endeavour to revive monarchy by force of arms; and did he not wifh to obtrude a King over the French, contrary to their confent? It was no wonder, my Lords, that the French people fhould revolt at the idea; they who never knew any thing but tyranny and defpotifm under their old monarchy, had fufficient reafon to be much averfe to the idea of reviving it. Much has been faid with refpect to religion; but let us hear what religion fays on the fubject of Kings. The ancient Monarchs were partial to war; and the people of France, at prefent, do not fcruple to fay, that modern Monarchs are not lefs attached to this abominable evil, this fcourge of the human race, which produces famine, and which fpreads havoc,

dismay and devastation, through the unfortunate country in which it is carried on. I would ask the Reverend Prelates, what says the Scripture? I will inform them; I will read them a passage from a book, to which, when their Lordships have any religious controversy, they never fail to refer:

And Samuel told all the words of the Lord unto the people, that asked of him a King.

And he said, This will be the manner of the King that shall reign over you: He will take your sons, and appoint them for himself, for his chariots, and to be his horsemen, and some shall run before his chariots.

And he will appoint him Captains over thousands, and Captains over fifties, and will set them to ear his ground, and to reap his harvest, and to make his instruments of war, and instruments of his chariot.

And he will take your daughters to be confectionaries, and to be cooks, and to be bakers.

And he will take your fields and your vineyards, and your olive yards, even the best of them, and give them to his servants.

And he will take the tenth of your seed, and of your vineyards, and give to his officers, and to his servants.

And he will take your men-servants and your maid-servants, and your goodliest young men, and your asses, and put them to his work.

He will take the tenth of your sheep: and ye shall be his servants.

And ye shall cry out in that day, because of your King which ye shall have chosen you: and the Lord will not hear you in that day.

Nevertheless, the people refused to obey the voice of Samuel; and they said nay, but we will have a King over us.

That we also may be like all the nations, and that our King may judge us, and go out before us, and fight our battles.

And Samuel heard all the words of the people, and he rehearsed them in the ears of the Lord.

And the Lord said to Samuel, hearken unto their voice, and make them a King. And Samuel said unto the men of Israel, Go ye every man unto his city.

1. Samuel, Chap. VIII. Verses 10, 22.

Your Lordships may now view, in the 12th chapter, the consequence of their request—

Verse 19th. "And all the people said unto Samuel, Pray for thy servants unto the Lord thy God that we die not, for we have added unto "all our sins, this evil, to ask us a King.

"And Samuel said unto the people, Ye have done all this wickedness; "and if ye still do wickedly, ye shall be consumed, both ye and your King."

Such was the account which Samuel, by the declaration of the Lord, gave to the people of Israel, about the nature and office of a King, in order to dissuade them from appointing a King: we, on the contrary, affected to know better than the Deity what was good for the French, and were resolved to force upon them a king against their consent. Nay, to accomplish this object, we were to

take meaſures which violated every principle of civilized war, and which tended to the deſtruction of all ſociety. Every art of miſrepreſentation was uſed, that could impoſe on the public mind, and every mode of deception practiſed, that could blind us to the real horrors of the war. But, my Lords, what can be ſo cruel and ſo unjuſt, as to caſt the chains around the necks of this people? What more inhuman than your endeavouring to ſupport your meaſures, by exciting ſuch plots and conſpiracies. policy cannot warrant ſuch conduct — the voice of religion exclaims againſt ſuch interference. I ſhall be happy this night in having brought forward this motion, I ſhall free myſelf from the imputation of agreeing with ſuch a ſentiment, and I ſhall have the pleaſure of ſeeing who thoſe are, who can concur in ſuch a propoſition. We are now, my Lords, at iſſue on the ſubject of war; from the commencement of which, to the preſent moment, has been nothing but a ſyſtem of deluſion on the part of His Majeſty's Miniſters.—The Scheldt was at firſt made the oſtenſible pretext for hoſtilities, we were told in the laſt ſeſſion, that the war would be merely defenſive on our part, but what has been the caſe? Miniſters have diſclaimed all ſuch intention, and we are at preſent engaged in an attempt to cruſh the liberties of France What again, my Lords, I aſk you, has this war been, but a ſyſtem of deluſion? I will read to you an expreſſion, from a ſpeech which I hold in my hand, it is the ſpeech of the Miniſter, though it was delivered from the Throne, relative to the protection of our trade; (here his Lordſhip read a part of the King's ſpeech) this ſpeech boaſts of our ſuperiority at ſea, and ſpeaks in flattering language of our commerce being protected; but, my Lords, I hold in my hand a liſt of your loſſes, I find that from the 1ſt of February 1793, to the 1ſt of February 1794, the loſs of the Engliſh ſhips at ſea was,

English 410. French 326. Balance againſt us 94.

I have alſo, my Lords, examined how our commerce has been protected from the 1ſt of February, to the 29th of March, and I find ſtill we are the loſers. How ſtands the account?

Engliſh 53, French 29. Balance againſt us 24.

This, my Lords, is the manner in which our trade has been protected. But this is only part of the deluſion; there is another aſſertion in this ſpeech of the Miniſter, to which I would draw your attention. The King hopes he may be able to carry on the war without any additional taxes; But what has been the caſe? A million has been raiſed, new taxes have been laid on glaſs, bricks, and paper; here are new grounds for complaints: the people are bur-

dened with oppressive taxation. I shall not notice how unconstitutional it was in Ministers to mention taxes, till they came before Parliament. I equally condemned the oppressive taxes laid on by the late Lord Guildford, in the American war; and I declared then, what I declare now, that in the same proportion that taxation increases, revenue diminishes; and this, my Lords, for a plain reason, because excessive taxation then increased smuggling, and reduced a million from the revenue; but you say now, there is no danger of smuggling, that the French themselves have put a stop to it. Suppose they altered their system, and gave a premium to every person who smuggled into this country, what then would be the consequence? Certainly this, your revenue would be diminished, and, I am well persuaded, that you would even, in one year, find that you were two millions backwards in revenue. You are liberal in condemning the proceedings of the French, you rail at their intent of an Agrarian law, and you treat with obloquy their putting the property of the citizens under requisition. They are obliged to carry on war, and what is this but making the wealthy citizens bear the burden of it, we imitate them partly in that, for by laying a tax on coaches, and other articles which add to the happiness of the great, the rich feel the burden, and they contribute handsomely to defray the expence of the State. On a former night when I had the honour of addressing you, I mentioned the additional rise on the lands in France. but this idea seemed then to be treated with ridicule; many seemed to think that no purchasers could be procured; but I have in my hand a paper which demonstrates the value, the estimation in which lands are held at present: a lot which before the revolution was sold for 230,000 livres, has been purchased since the revolution, at 685,000 livres. The next thing to which I would call your Lordships' attention is a circumstance of particular importance, I mean with respect to gunpowder, it was asserted at the commencement of the war, that France must yield for want of this necessary requisite to carry on hostilities; but what is now the case? Have we not heard, and do we not believe it to be true, that a late discovery of the chemists in that country has fully supplied them with this article? They have found out the art of making saltpetre, an art of the utmost value of any invention that has taken place in regard to war since the discovery of gunpowder itself. And have not the French at present, four hundred and twenty-five millions of pounds of gunpowder actually in their stores, more than sufficient for carrying on the campaign, thus, my Lords, this brave people will be ever supplied with this article, and thus the revolution has

occaſioned an invention, greater than any other ſince the original invention of gunpowder itſelf.

To ſupport this war, in which we had been plunged, the moſt unconſtitutional meaſures are attempted. Subſcriptions are ſet on foot without the conſent of Parliament; and I am told, that one of the Miniſters in the other Houſe, intends bringing in a bill to employ Frenchmen in defence of this country, and in ſupport of his meaſures abroad; nor, by what I can learn, has he even waited to aſk the concurrence of Parliament; for houſes are abſolutely open in Bride Lane, to receive any foreigners who may enliſt in the ſervice, and the bounty is already ſpecified as an encouragement. As for my own part, I ſee no poſſible advantage to be derived from the continuance in hoſtility; I am ſhocked to think that a civilized country ſhould wiſh to accompliſh its object by ſuch barbarous interference. If no regard to character, to honour, to Chriſtianity, will urge you to relinquiſh this ſentiment, at leaſt let the fear of retaliation prevent your putting it into execution; if you are actuated by no noble motive, at leaſt reflect on the diſaſter you will bring on yourſelves; you will not deny that the French have the means of retorting the injury; and you may be ſure they cannot be tame when galled by ſuch oppreſſive cruelty. I diſclaim every idea of interference in the internal Government of France. How can you expect that any overture of amity can be opened, whilſt you plan ſuch abominable projects? How muſt the people of that country reprobate that conduct which induces you to attempt their deſtruction in ſo ignominious a manner? I wiſh the troops were recalled from their territory; the only means of putting a ſtop to the calamities of war. I wiſh to God ſomething was done to check the confuſion that muſt be the conſequence of a continuance of this war, in this kingdom: you ſhould feel, my Lords, the injury our commerce muſt ſuſtain; you ſhould reflect, that this country is dependant on her manufactures; her paper currency is a principal part of her ſupport. Take care, my Lords, how you puſh things too far: you are ignorant what the ſituation of this country may be, ſhould it have the misfortune of being convuſed. All theſe circumſtances ſhould induce your Lordſhips to weigh this melancholy buſineſs with unprejudiced hearts; you ſhould recollect, that one of the leading articles of the French Conſtitution was, that France would not interfere in changing the Government of any country; and that ſhe, therefore, would not ſuffer any country to interfere to change hers: it is not aggreſſion then, on her part, which excites this reſentment on yours; ſhe has diſclaimed that, in which you are determined to perſiſt; you condemn in others, what you purſue yourſelves. As for my own part,

my Lords, I hold in the ſtrongeſt diſapprobation, the principle of interfering to excite civil war in that country; and though I ſtand ſingle, I will not be prevented from offering my ſentiments on that ſubject to this Houſe. I hold in my hand a reſolution (for I think it better to put this queſtion in that ſhape, than in that of a motion) in which ſhould I be ſo happy as to ſucceed, I will follow it up with a bill to regulate the conduct of Miniſtry. If in the preſent inſtance I ſhould bring in a bill, the title of it would only appear on the Journals, but, by moving a reſolution, however it may be rejected, the nature and reaſoning of the motion will remain. The noble Earl ſaid, that he had begun with a quotation from the ſermon of one right reverend Prelate, he would conclude with quoting to them from the poem of another (the Biſhop of London) a paſſage that did honour to his feeling:—

One murder makes a villain,
Millions a hero, Princes are privileged
To kill, and numbers ſanctify the crime.
Ah! why will *Kings* forget that they are *men*?
And men that they are brethren? Why delight
In *human ſacrifice*? Why burſt the ties
Of nature, that ſhould knit their ſouls together
In one ſoft bond of amity and love!
They yet ſtill breath deſtruction, ſtill go on,
Inhumanly ingenious, to find out
New pains for life, new terrors for the grave!
Artificers of death! ſtill monarchs dream
Of univerſal empire growing up
From univerſal ruin. Blaſt the deſign,
Great God of Hoſts, nor let thy creatures fall
Unpitied victims at Ambition's ſhrine!"

The Earl of MANSFIELD declared, that he was concerned to be the innocent cauſe of the extraordinary trouble their Lordſhips muſt have had this day in attending to the laſt noble Lord's extraordinary ſpeech. He affirmed, that if he could have foreſeen the conſequence, he would have endeavoured, without varying his ſentiments, to find ſome language leſs offenſive to the noble Earl, which would have prevented the preſent exploſion. He had not certainly intended to provoke the noble Earl's temper by what he had ſaid; but he had plunged into the mouth of Ætna, not voluntarily like Empedocles of old, but unwittingly and without deſign. It was his intention to ſay, and he ſtill held the ſame doctrine—"That if there were any conſiderable number of perſons in France who were willing to engage with us to endeavour to reſcue themſelves and their devoted country from the horrors of the anarchy by which it was now deſolated, upon the condition that Monarchy ſhould be

restored, it was his opinion, not only that we should so engage them, and agree to the condition which they proposed, but that any sum of money, how considerable soever, would be well and beneficially employed in this service." These, his Lordship declared, were his opinions, and they were such as he did not mean to soften. Probably they were such as would have more weight with the noble Lord had they come from him as *Citizen* Mansfield. He knew that any noble Peer who differed from him (Earl Stanhope) must fall under the superior weight of his wisdom; and that he must be wrong, since he was the true and perfect standard, not merely of philosophy and politics, but of probity and honour. They who were friendly to the present war had unusual difficulties to encounter. Opinions turned round upon them at every corner. If they said they believed that the people of France were divided among themselves, and that many were only restrained by fear from avowing their genuine sentiments, it was instantly and loudly proclaimed that all France was against them; but when they proposed to put arms into the hands of the friends of sound and real Government, what, it was exclaimed, would you excite insurrection in France? To what, he asked, did the noble Lord's motion go, brilliant as his language was, and elevated as his mind? It was to caution the House not to wound Jacobinism, to take care, and not interfere with the cause of Liberty. If trampling on all rights of civil society, if a contempt for that which the most savage nation held sacred, was Liberty, France was the most free nation the world ever produced. But he would not prostitute the sacred name of Liberty by saying that it existed in France; as well may he apply piety to that people who offered up human sacrifices at the Temple of Moloch. His Lordship declared, that he would not hesitate to move the previous question on the resolution, if he did not conceive that situated as he was, it would come with more propriety from any other noble Lord present, and though he well knew the great powers of the noble Earl, he believed that in the present instance, as on former occasions, the great oak of the forest would stand alone.

Lord GRENVILLE said, I perfectly agree, my Lords, with what has fallen from the noble Earl (Mansfield) who this night, as particularly alluded to, was particularly called on to reply to the noble Earl. I admire the manly and the eloquent manner in which he has so completely answered the noble mover, and I cannot but perfectly coincide with his sentiments, and his arguments. But, my Lords, I confess I never heard with such resentment any speech as that which has just been delivered. Sorry I am to see the noble Earl suffering his passions to get the better of his reason;

and I lament that his judgement has not been regulated by prudence and discretion; I will not insult your understandings, or disgrace my own, by replying at large to the noble mover; your Lordships have seen through the object of the noble Earl; he would not put the customary motion—no, he avoided the usual practice; why? not because it was necessary for his purpose, but because, by putting it in the shape of a resolution, he may have an opportunity of recording his sentiments in the Journals of the House; but if your Lordships have a regard for your proceedings, if you would wish to see your Journals pure and unstained, (I believe I may suggest the proper mode for your proceeding) I would recommend, when you have dismissed this resolution, (which I have little doubt your Lordships will,) you will not suffer a resolution penned in such a style, to be entered on your journals. The noble Earl (Mansfield) has for personal motives declined making any motion; but I shall follow up the negatived resolution with a motion to this purpose. The noble Earl has said, he is so happy in having brought forward this motion, that he may see who are the friends of such a measure. I doubt not then, but he will see the entire House against his motion; and I doubt not, from the opinion I have of Englishmen, that the people throughout the country will equally censure and condemn his resolution.

Earl STANHOPE. Hear! hear!

The LORD CHANCELLOR said, if he rightly knew the disposition of their Lordships, they would be all averse to the entering such a resolution on the Journals: he was also much inclined to think they would be equally averse to hear it read from the woolsack. He saw the mixture of indignation and compassion with which the noble mover's speech had been received; his Lordship was ignorant how to act: if he saw the House favourable to the idea of not hearing the resolution a second time, he would adopt that mode, he thought it would save their Lordships' feelings if such a measure was pursued. He said, that if the same language had been held in any other place, or committed to writing, and distributed among the people, it would not only excite general abhorrence, but call down the punishment of the law upon the person who spoke or who circulated it. He therefore, with their permission, would omit the preamble, and only put the resolution. His Lordship then read the resolution, omitting the preamble.

Earl STANHOPE said, that this was not his motion. The noble and learned Lord had taken upon himself to alter a motion regularly made in that House, by a pen in his place, and to put it in a mangled shape, without any amendment having been proposed.

This he conceived to be completely inconfiftent, not merely with the forms of proceeding in that Houfe, but with the freedom of difcuffion as a principle. Even in this curtailed and altered fhape, altered arbitrarily by the noble and learned Lord, he muft fupport the motion, and fhould therefore give his affent to it.

The motion then, without the preamble, was put and negatived, with only the *content* of Earl Stanhope.

Lord GRENVILLE then moved, "That the words of the motion be expunged from the Journals"—which was carried in the affirmative, with only the *not content* of Earl Stanhope.

Monday, 7th April.

The Earl of LAUDERDALE faid, he was not in the Houfe on the laft evening of debate; but he had been informed of a circumftance that took place on that occafion, which gave him the moft ferious alarm. He had been informed, that by fome means or other, that a part of a motion made by a noble Earl had been dropt between the time of its being moved and the time when it was put by the noble Lord on the woolfack, without any diftinct motion having been made for that purpofe. He conceived that it was one of the moft undoubted privileges of the Members of that Houfe to have their motions fairly put, that they might be adopted or negatived. This was a period, of all others, in which it was moft neceffary to take care that the privileges of that Houfe fhould not be violated. Under that impreffion, he fhould certainly fubmit to the Houfe a motion upon that fubject—This appeared to him a point of fuch importance, that he thought every other bufinefs ought to give way to it; for which reafon he would move to withdraw the notice he had given of a motion for to-morrow, in order that he might then bring forward his motion upon this fubject.

The Earl of CAERNARVON faid, it appeared that the noble Lord himfelf could be alarmed, though he would not fuffer any other perfon to entertain any apprehenfion. If the noble Lord had been in the Houfe on the occafion alluded to, he would have been fatisfied that the noble and learned Lord on the woolfack had conducted himfelf with the utmoft regularity. The Houfe had, in the moft diftinct manner, teftified their wifh not to have the preamble read; and the learned Lord, in compliance with that wifh, had omitted it. As a fpecific motion was to be brought forward upon this bufinefs, he would not fay more at prefent; but otherwife he was prepared to enter at large into a vindication of the conduct of the learned Lord on the woolfack.

The Bifhop of ROCHESTER doubted whether it was regular

for the noble Lord to make a motion upon a subject which passed upon a former occasion when he was not present. He concurred with the noble Lord who spoke last, in maintaining that the learned Lord had acted with regularity. After the House had been fatigued with hearing that tedious preamble read, the learned Lord proposed, as an amendment, to leave out the preamble; to which proposal the House gave their most unanimous approbation, and even the noble Earl (Stanhope) did not oppose it. Nothing, therefore, could be more regular than the whole proceeding, or more conformable to the privileges of that House.

Earl STANHOPE said, that the notice which had been taken by the noble Earl of the proceeding on Friday last, was becoming his constitutional zeal. The right reverend prelate was certainly right when he had said, that even in its mangled and curtailed shape, he could not object to the slightest and most inconsiderable part of his own motion; but he had said at the time explicitly and clearly, that it was not the motion which he had made, that the noble Lord on the woolsack had put to the House. It was a motion mangled and curtailed. And he must declare that it was the most unparliamentary, scandalous, and even atrocious proceeding that ever took place in Parliament.

The LORD CHANCELLOR called to order, and moved that the last words be taken down by the Clerk.

Strangers were ordered to withdraw.

A warm debate took place during the absence of strangers, in which Earl Stanhope explained. He said, that the noble and learned Lord had thought it perhaps the best mode of justifying his conduct to stop him in the middle of a sentence, so as to leave his meaning incomplete. He would repeat, therefore, what he had said, and what he meant to say. It was the most scandalous and atrocious proceeding that ever took place in Parliament, if any such proceeding ever did take place in Parliament. His assertion was hypothetical. Just in the same way he might have him called to order, and have his words taken down, if he had said, "The present King, George III. has no right to the Crown of "these realms." These words, taken by themselves, would have incurred the penaltis of sedition; but if they were part of a sentence, the remainder of which was, "if the Act of Settlement had not "passed," no man would say that the expression was not constitutional, correct, and true.

Earl SPENCER in consequence of this explanation, moved to adjourn.

The Earl of LAUDERDALE said, that he would only add to

what he had ſaid before, that the rules of the Houſe had been, in his opinion, unaccountably departed from; and that certainly he would not ſuffer any motion of his to drop in its paſſage either from himſelf to the Chair, or from the Chair to the Houſe, whatever might be its fate in the hands of their Lordſhips when fairly put to them. The Houſe adjourned.

Tueſday, 8th April.

The bill to authoriſe the raiſing and arming volunteer corps to ſerve within the kingdom, by ſubſcription, being brought up from the Commons, it was read a firſt time.

The Marquis LANSDOWNE declared his intention to oppoſe this bill, as a meaſure that was injurious to the Conſtitution of this country; and underſtanding that the bill was to be read a ſecond time on Friday next, his Lordſhip moved that all the Lords ſhould be ſummoned for that day.

The noble Marquis then obſerved, that various comments having been made on his conduct in another place, as well as among their Lordſhips, reſpecting his proceedings in the year 1782, on the ſubject of ſubſcriptions, he thought it incumbent upon him to prove to their Lordſhips that no two matters on earth were more diametrically oppoſite, than the letters and anſwers in conſequence of the preſent application to the counties, and the letters and anſwers in conſequence of the application to the counties when he had the honour to be firſt Lord of the Treaſury. The preſent mode he conſidered as a breach of the Conſtitution, the former one as ſtrictly legal; and therefore he ſhould firſt move, "that an humble addreſs ſhould be preſented to His Majeſty, praying him to direct that copies of the letters ſent by His Majeſty's Miniſters in the year 1782, might be laid upon the table;" and then he ſhould ſubjoin, that the anſwers to thoſe letters might alſo be laid upon the table.

The Earl of CAERNARVON ſaid, the noble Lord had not laid any grounds before the Houſe, to induce them to grant the papers for which he had moved. It did not appear to him that they were at all neceſſary to enable their Lordſhips to come to a determination upon the merits of the preſent bill; and therefore he ſhould give the motion his negative.

The Earl of DERBY conceived the grounds upon which the noble Marquis had moved for the papers to be extremely obvious, and ſuch as it appeared to him the Houſe could not in juſtice reſiſt. A kind of attack had been made upon the noble Marquis; and in ſupport of that attack, certain letters had been produced and read. The object of the noble Marquis was to refute that charge; for which purpoſe he wiſhed to have the whole of that correſpondence

laid before the House, upon a part of which they had been called upon to form a judgement. This request appeared to him perfectly reasonable, he should therefore give his vote for the production of those papers.

The Earl of COVENTRY said a few words in favour of the motion made by the Marquis of Lansdowne.

Lord GRENVILLE opposed the motion, conceiving that the papers called for were wholly unnecessary upon this occasion. It was true that he had maintained, that the present measure adopted by Ministers, was similar to that adopted by the noble Marquis in 1782; and he was now ready to argue that point with any noble Lord, because he was sure the two measures were exactly and precisely similar; not, indeed, in every minute part, but in the principle upon which they were founded. But at the same time he wished not to have it understood, that Ministers had cited the case of 1782 as a case upon which they meant to justify their present plan; but when they brought it forward, they expected that all those who had agreed in the propriety of the subscription of 1782, would, upon the same principle, concur in the present one. This measure was founded upon clear, distinct constitutional principles, and not upon any one precedent in particular, therefore it could not be necessary to lay before the House the papers now called for.

The Marquis of LANSDOWNE again mentioned the propriety of his request, and appealed to the candour of the House, whether, after he had been attacked, it was fair to refuse him the means of defence. With respect to the supposed similarity between the two measures, whenever the question came fully before the House for its discussion, he would undertake to prove, in the most satisfactory manner, that they were as dissimilar as two measures could be; the one was strictly constitutional, and the other was directly the reverse.

The Earl of LAUDERDALE said, he had always understood that it was the unquestionable right of any person accused, and when part of the charge against him was founded upon any paper, that he might call for the whole of that paper, in order that he might shew from the whole context, that the meaning which had been put upon the part produced was not that which should fairly be drawn from the whole. If that was a principle of justice, and he could not conceive how it could be denied, then it was clear that the noble Marquis had a right to demand those papers upon which his defence was to be founded. The Ministers had, upon this occasion, in his opinion, adopted a conduct as extraordinary as it was impolitic,

because they were establishing as a principle, that Ministers might produce the papers of their predecessors, or so much of them as served the purpose of their arguments, and at the same time refuse to produce the remainder. He had always understood, that when Ministers came into office, they had a right to use the papers of their predecessors for their individual information, but that they had no right to produce those papers publicly, except for the purpose of public justice. Ministers should be cautious how they set an example to future Ministers to treat them in a similar manner.

The Earl of CARLISLE said, the whole mistake upon this subject arose from supposing that the noble Marquis had been attacked; whereas the direct contrary was the fact—for he conceived that nothing could be a greater compliment to a man than to follow his example. So far, therefore, from censuring his conduct, Ministers had given it the strongest marks of their approbation, by acting upon the same principles. He thought the noble Marquis would find some difficulty in maintaining and proving his proposition, that the two measures were not in their nature similar: and still more difficulty would he find in proving the propriety of the refusal of Mr. Secretary Fox to produce the papers in 1782, and then to argue upon the impropriety of such a refusal by the Ministers in 1794.

The Earl of DERBY contended, that it was obvious that the noble Marquis had been accused, because his conduct in the year 1782 had been compared with a measure which he (the Marquis of Lansdowne) had reprobated as utterly irreconcileable with the Constitution of the kingdom.

The Marquis of LANSDOWNE said, that those who accused him of not laying before the House any grounds for the production of the papers in question, had forgotten that he had declared, that his only reason for not stating his reasons was, because there was another question of great importance to be discussed that day, and not because he had no reasons to offer. A noble Lord behind him (Lord Carlisle) had said, that instead of being accused, he was complimented by Ministers. That noble Lord had infinitely more knowledge of the world, and much greater abilities to apply that knowledge, than he had; and to that noble Lord it might appear, that a charge of inconsistency and change of political opinion was a compliment; but so completely old-fashioned were his opinions, that he was extremely anxious to maintain his character for consistency and uniformity of political sentiment. He once more left his case in the breast of every noble Lord, and hoped their candour

would not preclude him from the means of defence, after having been so seriously accused.

Earl STANHOPE spoke in support of the motion, and said, that rather than have the whole question negatived, he would propose to divide it, and put the question first upon the production of the circular letter, to which he thought there could be no objection.

Lord AUCKLAND said, he had not yet heard any good reason assigned why those papers should be produced; he was therefore averse to their production. He was not acquainted with the nature of the answers transmitted to the letter of 1782; but as Ministers had stated that some danger and inconvenience might arise from their being made public, he thought the House ought to be satisfied with that reason, particularly as the period was not so remote as to preclude the possibility of danger.

Lord GRENVILLE said, he had no objection to produce the letter and plan of 1782, but not because they were necessary upon the present occasion.

The Marquis of LANSDOWNE now moved that the letter and plan of 1782 should be laid upon the table.

This motion was then put, and agreed to.

The motion for the production of the answers to that letter was next put; upon which the House divided,

For the motion, 8; Against it, 56. Majority, 48.

The order of the day being read,

The Earl of LAUDERDALE observed, that he was about to trespass on the patience of their Lordships, in bringing forward a motion which involved in its consideration the honour of their Lordships, and the credit and dignity of the House. If, he observed, there was ever a time that the orders, the forms, and the privileges of the House should be strictly and pertinaciously adhered to, it was the present. There should nothing be permitted to occur that should destroy the solemnity of their discussions, or prejudice their proceedings, in the breast of the Public. He had anteceedently given notice of bringing forward a motion which he would wave, to substitute one relating to the orders and forms of Parliament. What at present occupied his attention was a matter to which he wished he could do that justice which its importance demanded. It related to the maintenance of their privileges against the encroachments offered to the forms of the House. If they were not regularly adhered to, he observed, that there was an end to the liberty of debate. If the forms of Parliament were not observed, the Public could not be a judge of the proceedings of their Lordships, if their motions were to be altered or garbled according to the fancy of any individual,

What had induced him, he said, to offer these observations, was what he was assured had taken place on Friday last, with respect to the motion made by his noble friend (Lord Stanhope.) He understood on that evening, that somehow or other his motion had been put with the most essential part expunged or omitted. This was so singular a circumstance, and so novel in its nature, that it was really of a nature which he had not words to define. What the nature of the motion was, certainly was foreign to the subject of debate; if it were the most absurd and ridiculous that possibly could be imagined, he maintained that it should have been submitted to the House in the precise language of the mover. If the motion was unfit for the House to hear, it could have been disposed of by the previous question; but the House had not a right, he insisted, neither had any individual a right, to alter the construction, or vary the words of the motion. If the motion was ever so dark and black, which as not being present, he could not say it was, it should not, he argued, be altered. If any noble Lord, in the heat of debate, should be led into any warmth of language or vehemence, he may be called to order, but nothing could warrant a sacrifice of the forms of the House as a punishment. The credit of the House, or of any Assembly, depended on a strict adherence to its forms; and therefore he must protest against the proceedings of that night. It was the privilege of every Member in the House, he insisted, to state any motion he had to make in any words he thought proper, and there were precedents in both Houses of Parliament, which demonstrated, that this was a privilege that every Member in both Houses enjoyed. His Lordship observed, that in the House of Peers, the House should be particularly tenacious not to suffer its Speaker to surpass the powers with which he is invested by the Constitution; the more so, as he was appointed by the Crown; while in the lower House, the Speaker was elected by the Commons. His Lordship next adverted to the precedents of 1620 and 1677. The Speaker, he said, having declined putting the question, because the King sent an order to adjourn, was severely censured in a subsequent session of Parliament, and it was asserted, that the King had nothing whatever to do with the Speaker; and one of the Members observed, that as the Speaker had thought fit to take care of the King, it behoved the Members to take care of themselves by reproving him for his conduct. Sir Thomas Clarges, in speaking of the question, observed, "That the Speaker had usurped more of the attention of the House than any other Member, by giving his opinion;" but if that opinion was to be considered as the sense of Parliament, and his patter was to supply them with sentiments, there was an end to the rights and

privileges of the House; for the Speaker could misrepresent to the Public, the proceedings of its Members, and thus would the idea of representation be destroyed. In adverting to the circumstance of Friday, his Lordship said, that he had been told that the sense of the House had been taken by certain signs or looks. He could not answer for this mode, neither had he learned whether a long countenance expressed the previous question; or a frown, a negative; or a smile, an affirmative. There was much difficulty, he conceived, in ascertaining the sentiments of the House by this new mode; and he confessed that he was not physiognomist enough to know what construction to put on the countenances of Members. But there was one circumstance that rendered it still more difficult: he could not, for his part, conceive how the countenances of proxies could be consulted. Here the noble Lord quoted the passage in the Critic, where Lord Burleigh is introduced, and upon whose significant nod so much of the fate of Spain is made to depend; as if the noble and learned Lord on the woolsack could discover, from the nods and gestures of other noble Lords in that House, enough to ensure by his conduct and manner of treating the motion of that day, the safety of the British empire against the attacks and principles of French Republicanism. He regretted that one noble Viscount (Sydney) was not in his place, so able to comprehend and ready to practise that mode of decision; for if it was a good one, he certainly was one of the wisest and greatest Statesmen that ever appeared in that House. His Lordship declared, that, seriously speaking, there could be no apology offered for the neglect of forms. With regard to the circumstance which had called forth his attention, if it were admitted, the Clerk at their Lordship's table might say, that he would not copy a protest which was not conformable to his own sentiments; for he certainly had as much right to take such a liberty as the Speaker of the House had authority to alter the proposition moved by any of their Lordships. He would for these reasons conclude by moving, "That it was the duty of the Speaker of the House to put the motion made by any noble Lord in the words of the mover; and that he should take the sense of the House, agreeable to the form of Parliament, by calling on the *contents*, and *not contents*."

Lord THURLOW complimented the noble Earl in the proper and candid manner in which he had brought forward his motion; as far as his arguments went as to the necessity of a strict and inviolable observance of the orders of the House, there could be no difference of opinion in that House; and therefore he approved of

the motion, but not to so great an extent as the noble Earl had carried it. For he did not think that the Speaker could be bound by duty to put any question that might be moved, in such direct terms as to come to the decision of *content* or *not content* upon it at once; but at the same time when such questions occurred as might make it right, and necessary that they should not be put at all, there was a manner, or rather there were many methods of getting rid of them in a regular way, and which ought always to be preferred to any deviation from the general and established practice of the House: the first was to take down the words, and when that was done, no discussion could be proceeded upon till that was disposed of. Another was, that if any thing rash, indecent, or improper to be discussed, was brought forward in a motion, the previous question could be moved upon it, and by either of these methods it never could come to the question of *content* or *not content*. He considered it perfectly irregular to allude on a subsequent day to what had passed on a former, but he should consider any decision to be false that was come to upon any question, the words of which had been altered from the original motion given in by the mover. He confessed he entertained doubts respecting the propriety of expunging motions from the Journals on the same day they were entered there; but he was clearly of opinion that not a syllable could be left out of any motion that was given to the Speaker to be put for the decision of the House: there existed no privilege to alter it. Having said thus much, he wished it not to be understood, that if any person was to use the language of indecency, irreligion, or treason in a motion, the Speaker was obliged to put that question to the House; but in these cases he had pointed out different regular ways of getting rid of it. Approving therefore of the noble Earl's conduct, though not going along with him to the extent of his motion, he thought that upon a due consideration of the subject, it was best to let it remain just where it was. He would conclude by moving the previous question.

The Earl of KINNOUL (Lord Hay) said he was present on Friday night, and declared, that it appeared to him that the noble and learned Lord had conducted himself with the utmost propriety, and had only conformed to what was the universally-declared wish of the House.

The Earl of CAERNARVON thought it strange that the noble Lord (Lauderdale) should come to the House to censure a proceeding that passed unanimously, of which the noble Earl could have no other account but from memory, and which was in fact a non-entity, no vestige of it remaining on their Lordships' journals. This was drawing conclusions from false premises, and ill suited the dig-

nity of the Houſe to attend to. His Lordſhip defended the conduct of the Chancellor, who acted on that occaſion by what might, in every ſenſe of the word, be called the unanimous conſent of the Houſe, and who appeared to him to have no other motive than that of wiſhing to proceed in the moſt lenient manner towards the noble Lord who made that extraordinary motion.

Lord CARLISLE doubted whether this was a queſtion in which it would be proper to put the previous queſtion. He wiſhed to add his approbation to that expreſſed by the other noble Lords, with reſpect to the conduct of the learned Lord, which appeared to him perfectly conſiſtent with the order and dignity of the Houſe, as well as its forms.

Earl STANHOPE ſaid, it might be expected that he would ſay a few words upon this ſubject. In conſequence of what had fallen from different noble Lords, he was particularly called upon to explain, and give to thoſe who did him the honour of ſupporting him, every information in his power. One noble Lord had talked a great deal of the preamble, and the reſolution, urging that one was a contradiction to the other, and conſequently muſt be divided, before the *contents* and *non-contents* could be taken, his Lordſhip lamented that it did not appear on the Journals, in order that he might vindicate himſelf againſt any charge brought againſt him; in his own mind, he was convinced of the impoſſibility of the memory retaining ſufficient for any perſon to ground an accuſation againſt him, his Lordſhip would ſuppoſe it poſſible, not that it could happen in this Houſe, that the Preſident of an aſſembly was to take a motion made by an individual, and after reading it to himſelf, and not perfectly agreeing with it, ſhould in a rage ſtamp it under his feet, the Member who had made the motion would at leaſt think it not perfectly regular, but in his opinion it would not be worſe than taking the ſenſe of the Houſe by the countenances of their Lordſhips. He would go farther, and inſiſt that the manner in which his reſolutions were treated, was fairly grinning the queſtion out of countenance. He would not treſpaſs on their patience any longer than by ſaying, which if he was not right, he could be corrected by a noble Lord, who had been Speaker of the other Houſe, that if in the democratic Houſe below, any motion was made which the Speaker for the Commons did not approve, and he ſhould endeavour to collect the ſenſe of the Houſe by the faces of the Members, he doubted much if they would not riſe in a maſs, and pull his wig from his head, ſituated as he was, it would not become him to ſay more on the ſubject.

Lord GRENVILLE ſaid, he had hoped, after the ſtrong hint

which the noble Lord had received of the opinion of the Houſe reſpecting his motion, that he would have reflected ſeriouſly upon his conduct, and have apologiſed to that Houſe for bringing it forward. After the very able and diſtinct manner in which the noble and learned Lord (Thurlow) had ſpoken upon this point, it was unneceſſary for him to ſay much upon the ſubject. His Lordſhip then proceeded to ſtate a variety of inſtances in both Houſes of Parliament, in which it was not abſolutely neceſſary for the Speaker to take the opinion of the Houſe in the uſual formal way. The manner in which the motion was worded, rendered it difficult for him to give it a decided negative or aſſent. When he found this buſineſs was to be brought forward, he expected it would have been done by a motion for a cenſure upon the noble and learned Lord: if ſo, he was prepared to have propoſed a motion of approbation in oppoſition to it—a motion which he was ſure would have met with the decided ſupport of the Houſe. He concluded with moving to adjourn.

The Marquis of LANSDOWNE ſaid, that after what had fallen from a noble and learned Lord early in the debate, it was impoſſible for him, or any other perſon, to add weight to ſuch arguments. As far as regarded the order and regularity of proceeding in that Houſe, what had fallen from that noble and learned Lord, ſhould never be deviated from. The noble Marquis, without going into the debate of the former day, ſtated, that to all thoſe who underſtood the book from which quotations had been made that day, it muſt appear, that in the book of Samuel, and the proper application of what was there ſaid of Kings, there was much ſolid wiſdom and uſeful information. He had ſeen the motion of the noble Lord, and thought that if ſome ſtrong expreſſions were taken from it, it would have contained nothing more than what had often been ſaid with impunity in both Houſes of Parliament. He paid many compliments to the noble Earl (Stanhope) and his family, on their private and public virtues, and agreed with Lord Thurlow that the beſt way was to let the matter remain juſt as it was; he was therefore for the previous queſtion.

Earl MANSFIELD declared his entire approbation of the conduct of the Lord Chancellor, and voted for the queſtion of adjournment.

The Lord CHANCELLOR requeſted the indulgence of the Houſe for a few minutes, upon a ſubject in which he perſonally was ſo much implicated. With reſpect to the queſtion of order, nothing could be more clear than that it was not neceſſary to put the queſtion of *content* or *not content* upon every point. It was neceſſary to conſult the Houſe, by aſking, Is it the pleaſure of the Houſe

that such a thing should be done? and if no Lord dissented, then the thing was ordered without putting the question—For instance, when a message was to be received from the Commons, the question was not put, *content* or *not content*: previous to the messengers being admitted, the Speaker only says, Is it the pleasure of the House that the messengers be called in? If no Lord opposes their being called in, then they are introduced without farther question. His Lordship stated several other instances of a similar nature. He next adverted to the circumstances which took place on Friday. He said, he was in the judgement of the House, whether he did not act in conformity to the sense of the House, very strongly and very unanimously expressed: He was also induced to hold that conduct, from a wish to adopt the most lenient measures towards the noble Lord himself. His Lordship concluded with thanking the several noble Peers in particular, and the House in general, for the support they had given him; and said it always had been, and always should be, his study to deserve a continuation of that support, by a strict adherence to the duties of the office which it was his lot to fill.

The Earl of LAUDERDALE closed the debate by expressing his thanks to the noble and learned Lord who spoke early in the debate, and whose arguments prevented him from going more into the question. One point he wished to explain, as it seemed in the course of the debate to be misunderstood: he had never made any harsh observations on the motion which his noble friend made on Friday last; because, not being present, he could not think himself justified in giving any opinion upon it at all: what he had said was, that had it been as bad as it could be, the treatment it met with was equally reprehensible. He had only farther to add, that, considering that as a question of the greatest importance, he had allowed it to take place of his notice which stood for that day on another subject, (respecting Messrs. Muir and Palmer) which from the pressure of other public business, he now found he could not bring forward sooner than that day se'nnight: he therefore moved that the Lords be summoned for Tuesday next.

The question of adjournment was then put, and carried without a division.—The House adjourned.

Wednesday, 9th April.

No debate.

Thursday, 10th April.

The Earl of MOIRA reminded the House that he had, in the course the last session, brought in a bill, which was dropped, on its being

agreed that the Judges ſhould prepare a report upon the ſubject, on which a new bill ſhould be framed. No ſuch report had been made; and he now troubled their Lordſhips, merely to ſtate to them his moſt anxious wiſh that it might very ſhortly be made, when he hoped that ſome noble Lord would take up the ſubject, as he, from his preſent engagements, ſhould be prevented from doing ſo. He aſſured the Houſe, however, that had he been aware that the military operations for which he had held himſelf in readineſs, would have unfortunately been ſo long delayed, he ſhould, before the preſent period, have brought the ſubject forward.

Lord KENYON replied, that the learned Judges had not neglected the ſubject; and believed he might take upon himſelf to aſſure the noble Lord, that they would very ſhortly preſent their anſwer to the Houſe; and he would alſo aſſure the noble Lord, that, ſhould his military duty occaſion his abſence at the diſcuſſion, nothing ſhould be wanting in him to endeavour the attainment of that deſirable meaſure, which the noble Lord had ſo warmly and laudably undertaken.

The Duke of NORFOLK moved, that the Houſe ſhould reſolve itſelf into a Committee of the whole Houſe to reconſider Howard's Divorce bill.

This being done, the Clerk read the bill, paragraph by paragraph, to the clauſe which baſtardized the child of which Lady Howard was now pregnant.

Lord KENYON objected to this clauſe, as contrary to the eſtabliſhed law of the land, and inſiſted, that to paſs it would lay down a moſt dangerous precedent. The lady had eloped from her huſband on a certain day; and the child, of which ſhe was now pregnant, was on the eve of being brought into the world, within the uſual time of her laſt cohabiting with her huſband, yet was the child to be baſtardized. He ſaid, he tried this cauſe in its ſtage through the King's Bench, and much lamented the unhappy ſituation of the parties. But he muſt not ſacrifice the juſtice of the law to any private feelings, nor admit that it was legal to baſtardize, under the circumſtances of the caſe, the iſſue of which the lady was now enſeint. The law of the land laid it down as a rule, that the limited time was forty weeks, but in certain caſes it had been proved, and he cited one, when through fright, a woman had gone nine days more. But by the preſent bill, even the forty weeks were not allowed, although it was underſtood and credited as a fact, that Mr. Bingham had no criminal connection with the lady until the day ſhe eloped from her huſband, and from that day to

the day on which the child was to be baſtardized it did not make nine months.

The Duke of NORFOLK pointed out the very great injuſtice that might be done to his family by impoſing a ſpurious heir to inherit the title and eſtate. He was clear, in his own mind, that the clauſe of baſtardy was a juſt one. He cited the caſe of Stewart's Divorce bill as a proof that the clauſe of baſtardy was a right one; but to obviate all objections, he was willing that the clauſe ſhould run "if the child was born after the 30th of April," which would make it agreeable to the learned Lord's idea of forty weeks and nine days.

Lord AUCKLAND was clearly of opinion, that the law, in every particular caſe, ſhould never be ſtrained to over-rule its general principle; and therefore he was clearly of opinion, with the noble and learned Lord, that the clauſe of baſtardy ought not to be admitted. He ſaid, the caſe of Mr. Stewart was not in point, and was a very bad precedent.

The LORD CHANCELLOR thought, that there were ſome exceptions, in which baſtardy might be admitted, although the child was born in wedlock, and, as an inſtance, in the caſe of Mr. Stewart, when the lady had eloped from her huſband, had a child in another kingdom by a Mr. Briſtow, two years afterwards, and when with child by another perſon, becauſe the huſband found her out, had that child chriſtened in his name, becauſe they had been found together. In this caſe, ſurely it was prudent to baſtardize the iſſue. His Lordſhip thought, the beſt way would be to file a bill, and record the evidence, ſo as to prove at any future day at what time the laſt co-habitation was, and at what time the child was born. Then the baſtardizing clauſe would not be requiſite.

The Duke of NORFOLK roſe to reply—and here

The Biſhop of ROCHESTER moved that the Houſe ſhould be cleared of all ſtrangers.

The buſineſs was poſtponed until Monday.

Friday, 11th April.

Lord GRENVILLE moved, that the Volunteer Corps bill be read a ſecond time.

The Marquis of LANSDOWNE ſaid, he expected that Miniſters, in bringing forward this meaſure, would have ſtated the grounds upon which they had brought it forward; but as they had not thought proper to do ſo, they had compelled him to gueſs at what they would ſay, and to anſwer by anticipation to their arguments. The Miniſters having laid before the Houſe the circular

letter of 1782, he would now prove to the Houſe the complete and total difference which exiſted between that and the preſent plan. In the firſt place, he would ſtate, that before he had adopted that meaſure, he had taken the opinion of a lawyer of the firſt authority; he meant the late Lord Aſhburton; his opinion he had now in his hand, completely juſtifying the legality of the mode of conduct purſued on that occaſion. The difference between the two plans was this, that the letter which he had ſent in 1782, was for the purpoſe of obtaining information from different parts of the country, and a great deal of valuable information was obtained by it. The plan ſubmitted to the conſideration of the people in his letter, was not that they ſhould ſubſcribe money, but that they ſhould arm themſelves, and perform their exerciſe at the moſt convenient time. In theſe points, the difference between that meaſure and the preſent was obvious. By the plan of 1782, the officers were to be appointed by the Chief Magiſtrates of the various towns, &c. In the preſent inſtance, the officers were to be appointed by the King, through the medium of the Lord Lieutenant—a circumſtance which did not add to the popularity of the meaſure. Theſe were the grounds upon which he had taken upon himſelf to ſay, that the two plans were in their nature eſſentially different. He would now beg leave to ſay a few words upon the preſent bill. It was ſaid that this was a voluntary ſubſcription: but it required no great judgement to know, that a ſubſcription recommended by His Majeſty's Miniſters would come to many perſons preſſed ſo ſtrongly that they could not refuſe them: their power, patronage and influence were too extenſive to admit of much free-will in a conſiderable part of the kingdom—If there ſhould happen to be in oppoſition, a man of public character and eminence, and that man ſhould poſſeſs a theatre, how eaſy was it for any cunning man in the ſervice of Adminiſtration to threaten him with a tax upon that ſpecies of property? The noble Marquis then adverted to the principles of the war, and contended, that the preſent aſpect of affairs was ſuch as ought to induce Miniſters to ſeek the firſt opportunity of making a peace.—He then proceeded to cenſure the conduct of Miniſters towards the neutral powers, which he contended was arbitrary in the extreme, particularly towards the Grand Duke of Tuſcany, to whom, he had been informed by a correſpondent, whoſe name he would not mention, the moſt violent and arbitrary ſyſtem of conduct had been adopted. Having preſſed theſe points at conſiderable length, he concluded with hoping that ſome noble Lord would move a clauſe, to make it legal to enter into ſubſcriptions of this nature.

Lord ABINGDON ſaid, my Lords, happening to be in the

country when the motion was made the other day by a noble Earl of this House, "for censuring the measure of granting to the Executive Government any private aid, benevolence, or subscription, for public purposes, without the consent of Parliament," and having formerly (that is in the year 1778) moved a proposition of like import to your Lordships, and troubled the House with my sentiments upon it; it is for this reason that I have now upon the late occasion to regret my absence from the House; for meaning, had I been present, most decidedly to have voted for the previous question, that was then put and carried, I should at the same time have had the opportunity of explaining the reasons and motives of my vote.

But let it not be presumed, that, in giving this vote for the previous question, I should, in any one word or thought, have changed the opinions which I had before held and maintained; they were too well grounded on facts, and too well supported by authority at the time, for me, by any novel arguments now, to have departed one *iota* from those opinions; facts which the country has ever since had abundant reason to deplore, and authority, the greatness of which none will dispute, when I say, that I have now the satisfaction of having in my possession a letter to me, from that great and illustrious statesman the late Earl of Chatham, in which he not only approves the measure, but "laments his incapacity of not being able, from indisposition, to give his support in a matter," as his Lordship says, "certainly important, and well worthy of the public spirit that gives motion to the inquiry." There are other authorities too, that I could in the same manner avail myself of; but this authority alone is a host of itself, and sufficient for my purpose.

I say then, my Lords, that this vote would have proceeded from no change of sentiment in me, for the cases not being the same, and the times materially different, there was no call for any change of opinion.

The case of 1778 was, that Parliament was purposely adjourned, in order to prevent the interference of Parliament with the private subscriptions that were then set on foot for public purposes; whereas, in 1794, the Parliament is purposely kept sitting, with the view of legalizing (as the very bill now before us proves) that which otherwise would have been, most undoubtedly, in my opinion, both unconstitutional and illegal.

And as to the times, who is it that shall compare them together? At that time, that is, in 1778, Parliament was making war upon our fellow-subjects in America, for the purpose of laying unconstitutional taxes upon them, and in so much, therefore, in violation

of the Constitution of this country. In 1794, Parliament is making war, upon our old, natural, and ever to remain, implacable enemies, the now *Sans Culottes* of France; and for the direct opposite purpose, not of violating, but of saving, our Constitution from ruin and destruction. In 1778, then, subscriptions were had for illegal and unconstitutional purposes, in 1794, they are had both for legal and constitutional purposes.

These, my Lords, would have been my reasons for the vote I should have given for the previous question, and these are my consequent reasons for the vote I shall give for this bill."

[In the course of his speech, his Lordship mentioned the mememorable expression of Lord Lansdowne towards the close of the American war, that "he feared the *sun of Great Britain was set for ever.*" He also mentioned his having voted for the peace made by the noble Marquis, and so, he said, he would have done if the *Devil* had made it.]

The Earl of COVENTRY was decidedly in favour of the bill, and thought Ministers highly commendable in bringing it forward.

The Marquis of LANSDOWNE made a short reply to the two noble Lords who had preceded him, and made some allusion to what had passed in the other house on a former night, and the threats that Ministers had thrown out, of taxing, in any way they might think proper, the property of all those who differed with them in opinion.

Lord GRENVILLE said, that the Ministers by no means founded their defence of this bill upon its similitude to the measure of 1782: on the contrary, they defended it upon great constitutional principles; they defended it upon the opinions of Lord Coke, Lord Hardwicke, and Lord Mansfield, and upon the universal system of conduct adopted by every Minister since the accession of the present family to the throne—But, if it was necessary, he could prove that the measure was perfectly similar in point of principle with the measure which the noble Marquis himself brought forward; for, though there was not the word money to be found in the letter of 1782, yet the people were called upon to arm themselves, which could not be done without their laying out money; and so the persons to whom that letter was sent understood it, because they actually entered into subscriptions in consequence of it. But the noble Marquis had contended, that Ministers could enforce their requests by means of their influence and power, and had instanced a case of a gentleman who was proprietor of a theatre. That was a most unfortunate instance for the argument of the noble Marquis,

because what had fallen from an honourable friend of his in another place, was provoked by an attack from another honourable Member whom he had no hopes of any subscription from, although a subscription might be in contemplation for that gentleman himself. With respect to the observation which the noble Marquis had made respecting the conduct of the English towards neutral powers, he would not answer him, as it had no reference to the present question. His Lordship concluded with observing, that it would be extremely hard if the people of this country were not at liberty to subscribe in defence of their laws, of their properties, and of their religion.

The Earl of LAUDERDALE paid a handsome compliment to his honourable friend, who had been alluded to by the last Speaker, and put it, as a gentleman and a Member of that House, whether he had not been imprudent and uncandid in the manner in which he had mentioned that subject? A subject that was most honourable to the person alluded to, and approved of and supported at the time by the best and most distinguished characters of the present age, many of them differing in their political views and conduct, but all unanimous in the rectitude and propriety of what they did in that instance. He therefore would, without any more severe correction, leave the noble Lord to his own conscience; and if, when on his pillow, he could excuse himself for the rashness and indelicacy of his conduct in that allusion, he, for one, and he believed most of their Lordships, would think a severer reprimand could not be given to him.

The Duke of LEEDS said, he could not go the length, that he understood the noble Secretary of State had done upon a former night, in stating that because a levy of men was suggested in the letter of 1782, it was the same as calling for a subscription, because men could not be raised without money; as well might it be said, that because the King has the prerogative of making war, he, the King, might call for money and command it, because war could not be carried on without money. He said, he had not been one of those Lord Lieutenants that had been at all consulted on this measure, nor had he even the honour to receive any letter from the Secretary of State on the subject. He did not think there was any thing blameable in either of the letters, but the contrary; at the same time they certainly were not of the same tenour.

The Earl of CAERNARVON said, that the noble Marquis had, in comparing the two cases of 1782 and 1794, made distinctions where there existed no difference; and, rather than let the measure of the present Minister stand, would mix his own mea-

ſure in a common ruin with it. As to the demand, as it was called, of a ſubſcription, it was only a ſuggeſtion for the conſideration of the people.

Earl STANHOPE ſtrenuouſly inſiſted on the illegality of calling for a ſubſcription, or of the King taking any money from the pockets of the people, without the conſent of Parliament.

The Marquis of LANSDOWNE, in a general reply, ſaid, that by the Conſtitution every ſubject, in caſe of invaſion, was bound to turn out armed on the requiſition of His Majeſty. He was obliged, on ſuch a caſe, to furniſh himſelf with a muſket, but not to pay a ſingle ſhilling to the Crown on any requiſition, unleſs voted by Parliament. He rejoiced that a reſpectable Member of the Houſe of Commons had taken up the buſineſs of ſinecures, which he hoped he would not abandon. He wiſhed alſo that fees and perquiſites of office might be examined. He knew not what they were good for. They ſerved only to make Clerks of Miniſters, and Miniſters of Clerks.

The queſtion was put and carried without a diviſion, and the bill then read a ſecond time.

Monday, 14th April.

No public buſineſs.

Tueſday, 15th April.

Earl STANHOPE ſaid, that their Lordſhips muſt be ſenſible that the length of the trial of Mr. Haſtings was a ſubject that demanded the moſt ſerious conſideration, not merely as it affected the gentleman himſelf, but alſo as it affected the courſe of proceeding and the juſtice of the country. One obvious mode of bringing it to a ſpeedier termination would be, that their Lordſhips ſhould give more days to it in each week, and more hours in each day. The Commons had declared that they were ready, and the Managers that they were prepared to attend them as often as their Lordſhips ſhould appoint. Mr. Haſtings and his Counſel were equally prepared and ready to attend their Lordſhips. He therefore moved, "That their Lordſhips ſhould go down to Weſtminſter Hall to-morrow, at 12 o'clock."

The Earl of COVENTRY ſaid, he was happy that the noble Earl had at laſt made a motion in which he could agree with him, and begged leave to ſecond it.

The Earl of LAUDERDALE ſaid, that the motion would be perfectly proper, in his mind, if it could be communicated in time; but he thought it was hardly proper to make the alteration for ſo early a day as the next. After a few words from the Lord Chan-

cellor and Lord Derby to the same effect, the House passed to the order of the day, Lord Stanhope giving notice that he should renew his motion on a future day.

The Earl of LAUDERDALE began, by declaring to their Lordships, that he should be as void of taste and judgment, as of decency, if he did not apologize to their Lordships for presuming to bring before them the question to which he was about to call their attention. The subject was of such a nature, so complicated, technical, and so involved in legal difficulties, that even to a man of professional knowledge, and professional habits, it would be a question that would demand all his research, and all his powers. How then could he, who had no professional habits, presume to encounter the difficulty? The best apology that he could make, was simply to state to their Lordships the truth. Feeling a very particular obligation to rest upon him with regard to every thing that affected that part of the country to which he particularly belonged, from the greater gratitude which he owed to those who sent him to that House, more than any individual Lord that had the honour to represent the Peerage of Scotland. Owing to the unparalleled circumstances in which, of all the representative Peers, he had the honour to stand, he was led to look at the trials which had lately taken place in that part of the kingdom, and compare them with the sentences which had been passed upon similar offences when tried before the Courts of England. His surprise at the difference of punishment in the two countries, and his anxiety for the welfare, tranquillity, and character of the country to which he belonged, led him to look for antecedent cases in the practice, or in the statute law of that country, to justify these proceedings. He had done this in vain: not one case in the whole history of the Scotch criminal law stood upon record, either to justify, or even to countenance the proceedings. Nor was there a statute existing by which they could be maintained. In this state he thought it his duty at the commencement of the session to throw out his opinion on the subject, but he abstained from sooner bringing it before their Lordships for regular discussion, in hopes from what was passing in another House, that it would have been brought before them as a legislative act. He had now no prospect of this, and therefore it fell to him to bring it before them in the best way that he could. He was sensible of the general propriety of supporting the existing Government, and that men desirous of preserving the order and happiness of Society, would be ready to apologize for the inaccuracies and errors which might occur in the most wholesome system; cases however might occur to make it necessary to resist, and when it would be even the most sacred duty to resist

the Government. He could not deny this doctrine without committing a libel on the Revolution: it was the avowed generic doctrine of the happy system under which we lived; and holding this doctrine with regard to all constituted authorities, it was most particularly true with regard to judicial establishments. No duty could be more sacred than respect to the judges; but this, like every other doctrine, must have its bounds; there must be a necessary limitation of the principle arising from a comparison betwixt the magnitude of the evils of which you may have reason to complain, and that of the danger which you are likely to create. If the sentence of a judge shall be such, as to be likely to do more injury to the manners and habits of the country, than the agitation and the animadversions which he might make upon it could produce, he should consider it as his duty to bring the subject forward, and to prevent the greater evil by the less. He considered the present cases as of a nature calculated to strike at the very foundation of all obedience, and consequently as calculated to engender discontent, intemperance, and disorder. It was a subject therefore that demanded the most serious attention of their Lordships; and however much he might feel the risk, by bringing the subject forward, of incurring the imputation of rashness, he felt comfort from the circumstances under which he did it, since, if there was any poison in the agitation of the question, its antidote would be found in the prudence, ability, and knowledge of the noble persons he saw about him. There was one noble and learned Lord, whom he had the happiness to see in his place, who had for so many years distinguished himself by the unparalleled equity, impartiality and skill with which he had decided on the appeals from the part of the country, in which the cases now the subject of discussion had arisen, as to make his conduct on this occasion likely to make a much greater impression in that part of the kingdom than that of any other individual. He alluded also to the noble and learned Lord on the woolsack, whom he was sure no prejudice to him would prevent from exerting his great talents on the present occasion, either to make manifest the correct conduct of the Scotch proceeding, so as to do away the consequence of his rashness, or if the proceeding were really deficient, to prevent the evils with which it was pregnant, by a seasonable exercise of the undoubted inquisitorial powers of the House. There was also another noble Lord (Mansfield) who had pledged himself to justify the conduct of the Scotch Judges, and who, he had no doubt, would take a part in the discussion. He had no hesitation, therefore, in bringing it forward, when he had this security against any possible rashness of his own, and especially as he thought that it was a case

of all others the moſt proper for the interference of that Houſe; for there lay no appeal from the ſentences of the Juſticiary Court. All the analogies of the Conſtitution were in favour of ſuch interference. There was an appeal from all other criminal courts in the kingdom, as well as from the Supreme Civil Court of Scotland. Then, viewing the ſubject in this light, it became a duty to himſelf, as well as to thoſe who ſent him there, to bring the ſubject into review. In doing this, he diſclaimed all perſonal motives; he meant to mix no accuſation of the learned perſons of whoſe ſentence he complained; he had the utmoſt reſpect for thoſe perſons: early habits had led him to a general acquaintance with them all; and though their ages were different, he had the honour of the friendſhip of ſeveral of them; and he therefore aſſured their Lordſhips that no one could feel more ſincerely than himſelf a reſpect for the general character of thoſe learned perſons. An argument had been uſed which it was of conſequence to examine. It was ſaid, "Would you ſtrive to alter the laws that have exiſted ſo long and which have given the country univerſal ſatisfaction?" Whether ſuch attachment ever did exiſt, and whether it exiſts at preſent, was a matter which, in his mind, was extremely doubtful. It could be determined from one only of four ways. 1. From the general voice of the people of Scotland with regard to their laws. 2. From the opinion of thoſe the moſt converſant in the law. 3. From the teſtimony of the writers on the ſubject; and 4. From the hiſtory of the law, the changes it has undergone, and the preſent practice.

He would venture to ſay, that men would not attempt to juſtify the aſſertion, that the people were attached to their law, and that they had been happy under it by any one of theſe four methods of teſt. He had lived very much in the country in the early part of his life, and he had ſeen a good deal of it lately, and he would venture to ſay that men in general thought them unjuſt, and that thoſe the moſt favourable to Government thought them harſh. That the perſons the moſt converſant in the Scotch law had delivered opinions againſt it, he could ſhew their Lordſhips from Mackenzie, Maclaurin, and many other authors of eminence. There had been a deviation at the Union from the former practice, which had vitiated and ſtained the proceedings of their criminal judicature, and if he could take the wide range of the ancient laws of Scotland and the preſent, the ancient practice and the preſent, he ſhould be able to ſhew their Lordſhips that the people could not feel any great attachment to a ſyſtem, under which, inſtead of the ſecurity and happineſs which it was aſſerted they had enjoyed, there had been conſtant and well-founded complaints. The noble Lord went into a

ſhort detail of the ancient practice in criminal trials in Scotland, which he ſhewed from the ancient anonymous treaties, generally bound up with the *Regium Majeſtatem* from Skeene *de Verborem ſignificatione*, &c. and from various ſtatutes, by which he ſhewed that none of the powers now exerciſed by the Lord Advocate exiſted in the ancient practice. The power of informations did not exiſt, and the precognition, which is now taken *ex parte*, uſed to be taken in the preſence of the parties. The Lord Advocate, at the Union, or ſoon after the Union, aſſumed all the power exerciſed by the Privy Council, and had aſſumed many powers which they did not poſſeſs. Formerly proſecutions originated from the private party; now they muſt originate with the Lord Advocate. Formerly a preſentment of offences was made by the Juſtices at Quarter Seſſions; now there were no ſuch preſentments, and it lay entirely at the diſcretion of the Lord Advocate to take up caſes or not. There was a new practice, which could be found in none of the books, and which was founded upon no ſtatute or law that he knew of. A paper of inſtructions was circulated to the Sheriff's Offices, and that from an office unknown to any ancient writer on the law, the Office of the Solicitor to the Crown; and theſe inſtructions did not go upon the acts of Queen Anne, but on the authority of another Officer equally unknown, the Procurator Fiſcal. In ſhort, the whole practice of the law of Scotland, in regard to criminal procedure, had undergone a moſt material change ſince the Union; not for the better, by aſſimilating with the law of England, but by which more unlimited powers were given to the Advocate of the Crown; the whole power of originating proſecutions taken out of the hands of the individuals the beſt calculated to know the condition, the neceſſities, the manners, and the habits of the people; and ſuch arbitrary alterations made in all the forms of proceeding, as to make it in almoſt every thing unlike the ancient practice. How then could they be prejudiced in its favour; or how could it be ſaid that it had exiſted for ſo many ages, to the welfare and proſperity of the country? In truth the queſtion which he was now to agitate, affected England as well as Scotland; for declarations had been made by men in high power, in favour of the benign ſyſtem of Scotland, and on the propriety of introducing it into England. The benignity of this ſentiment would be manifeſt to every noble Lord who would take the trouble of inquiring into the criminal juriſprudence of Scotland.

The noble Earl ſtated the nature of the motions which he held in his hand; it was his intention to move for the production of papers to ſupport the objections which he had to make againſt the

late proceedings in the cases of Mr. Muir and Mr. Palmer. He confined himself to their cases on account of certain peculiarities which he should by and by state. He then proposed to move an address to the Crown, in favour of those unfortunate persons, whose cases he thought not merely most severe, as to their personal suffering, but most injurious to the country at large. It was not his design to criminate either the Judges or Ministers: he was anxious only to induce their Lordships to redress grievances arising from error, and to extend justice to those unfortunate persons. In arguing the question, he was not embarrassed by the want of materials: but on the contrary he was oppressed by the quantity of matter; the extent and complication of which called upon him to arrange and simplify the subject, and to select only the prominent points. The propositions which he meant to maintain were, 1. That the crimes set forth against Thomas Muir, and Thomas Fysch Palmer, were what the law of Scotland termed *leasing making*, i. e. uttering words or publishing matter tending to breed discord between the King and his people, and that those indictments charged no other crime whatever. 2. That the punishment of transportation could not by the law of Scotland be inflicted for the said crime of *leasing-making*. There were also three special points in the case of Mr. Muir on which he should animadvert. The first was his challenge of, and objection to, the jurors being over-ruled; 2d, the admission of evidence to prove criminal matter not libelled; and, 3d, the depriving him of the testimony of William Russel. The noble Earl said, that without going into a minute detail of the law of Scotland, he could shew from the books of the *Regiam Majestatem*, down to the latest authority, that there was no such thing as sedition constituting a distinct and separate offence, except the *seditio regni*, which was treason; every other sort of sedition was simple *convocation*, or *leasing-making*. From an inspection of the criminal letters it could be nothing but *leasing-making;* and to prove this, he referred to the trials of Muir and Palmer, and read the precise words of the major and minor propositions. No such thing as sedition was charged in the major propositions of either of their indictments. Whereas in Margarot's indictment, it was so charged. Now, to say that there was such a latitude in the Scots practice, as that the indictments could all infer the same crime, though sedition was set forth in some and not in others, was a monstrous proposition, and by no means warranted by practice. In the famous plea of Sir George Lockhart for the Earl of Argyle, he said, " It is alledged in the general, " that all criminal libels whereupon any person's life, estate, and " reputation can be drawn in question, should be founded upon

"clear, positive, and express acts of Parliament, and the matter "of fact which is libelled to be the contravention of those laws, "should be plain, clear, and direct contraventions of the same, and "not argued by way of implications and inferences." It was uniformly the practice to state precisely the crime in the major proposition; and, as sedition was not stated in that proposition against Muir and Palmer, their Lordships must agree with him that the crime could be nothing but that of *leasing-making*. If so, he must come to his next proposition, that transportation could not be inflicted as the proper punishment under the law of Scotland. The act of 1703 repealed all the former acts for the punishment of this crime, and restricted it to an arbitrary punishment, a fine, imprisonment, or banishment. He gave the history of the act, that its meaning might be thoroughly understood, and stated that towards the end of the last century, when the oppressions that had been practised naturally aroused the indignation of the people, the claim of right passed, as a remedy in their imaginations for the evil. In 1701, however, several oppressive trials having taken place, it was thought proper to give a farther security to the people of their rights, and the act immediately preceding that of 1703, shewed the sense and temper of the Parliament on the subject. It clearly proved the act of 1703 to be a law of mitigation, and as such it certainly ought to be interpreted, not merely because it was a penal law, but because it was the express purpose of the act to mitigate the former penalties. In truth, banishment in that act never could mean transportation, either from the meaning of the word in common language, or from the legal import of it in the law of Scotland. Transportation supposed that the court had authority over the place to which they transported. But as Scotland never had colonies till the beginning of the present century, they could not exercise transportation. This is the opinion of Sir George Mackenzie, and it was rendered more clear by the case of Kennedy before the Sheriff, where the Lords reversed the judgement of transportation, because it was out of his jurisdiction, but affirmed the banishment. This was rendered still more clear by the language of the Scots statutes. The act of 1609, makes a clear distinction between banishment and transportation, and enacts them both in different parts of the same clause, to different degrees of guilt. The act of 1703, which repealed the act of 1609, enacted only the banishment, and left out the transportation. That the Scots law clearly understood the difference, was manifest in all their acts. In 1577, there was an act against the transportation of horses; and there was no illustration of the difference by the act of Charles II. in 1670. The

distinction was made still more clear by the words in the sentence of the court in the case of Haggart against Hogg, which was banishment, with certification that if he returned he should be transported. The same sentence was passed on Elizabeth Key for child murder in 1699; and it was equally clear from an examination of the cases in which transportation had been inflicted since the Union. It was constantly and uniformly as a mitigation, and was applied only to three sorts of cases: 1. To capital cases where the punishment had been antecedently restricted; 2. To capital cases where the court inflicted a milder sentence; and 3, Where capital punishments had been inflicted. There was only a single exception of a mobbing case in 1771, and this did not at all apply to the question. It was still made more clear by an examination of the cases of *leasing-making* since 1703. Mr. J. Dundas was tried for *leasing-making* in 1712; and the case was certainly a most seditious one; inasmuch as he had tried to prevail on the faculty of Advocates to accept of medals from the Pretender, striving thereby to encourage them to countenance his attempt to overthrow the Constitution and Government of the kingdom. The crime was certainly most heinous, yet it was laid as mere *leasing-making* on the act of 1703, and restricted to the mild punishment of that statute. The prosecutions of 1714 and 1715, were of the same kind; and Sir David Dalrymple, in his plea upon the occasion, stated that the laws against *leasing-making* were anciently odious; but since the happy Revolution, that crime, among many others, had been removed; what was useful in the acts against *leasing-making* was preserved, the bitterness of the punishment was restrained, and so the odiousness of the law was taken off. Here then, but a few years after the act was passed, was this interpretation solemnly put upon it. In a time so imminent and alarming as the years 1714 and 1715, when a rebellion was raging in the country, and armies were embodied and in the field to pull down the present family, and to re-establish arbitrary power, men who were tried for abetting this crime, were tried for *leasing-making*, and sentenced only to a small fine and short imprisonment. It was needless to enumerate or to detain the House by arguing the 6th and 25th of the present King, as they only empower the punishment of transportation to the Scots Judges in the cases where it existed before. Nor could the sentence passed upon these unfortunate persons be justified by the act of 1703, even if transportation could be inferred from the word banishment. That act completely abolished the punishment of death applied to the crime, and yet the circumstance of their being liable to death on the event of their return from transportation, makes it possible to extend this punishment of death to

the crime of *leasing-making*—an exprefs contradiction of the statute. The arguments drawn from the act of 1696, and the arguments fo much relied on of Baillie, it would be material for their Lordfhips to attend to: the act of 1696 againft fraudulent bankrupts, had words very different from the act of 1703.—It gave the Judges the power of inflicting "banifhment or otherwife, death excepted." Under thefe extenfive words, which were not in the act of 1703, they might claim the power of tranfportation; and yet no decifion took place on the act till 1747. The cafe of Baillie in 1704, which had been fo curioufly brought forward in juftification of the late proceedings, was truly curious. That horrid court, the Privy Council of Scotland, the jurifdiction of which could not be declined without incurring high treafon, by the act of James VI. was moft ingenioufly brought forward to juftify the procedure of the Court of Jufticiary. Laft year, a noble and learned Lord in that Houfe had faid, "What! would you attempt to draw any argument from the practice of the iniquitous Privy Council, the worfe than Star Chamber of Scotland?" He had no doubt but that noble Lord would ftill hold the fame language with refpect to this cafe. But what was the cafe? Baillie was the agent of the Marquis of Tweedale's party againft the party of the Marquis of Annandale. In the rage of faction, he was before this horrid tribunal, where the Lord Advocate was both accufer and judge, and there, as might be expected from fuch a court, he was fentenced to pillory, tranfportation, &c. But what was the confequence? The day after the fentence fo monftroufly iniquitous did it appear that he was advifed to petition the Parliament againft it. But the feffion concluded fo immediately afterwards, as to make it impoffible then to prefent it. But on the fetting down of the next feffion, the petition was prefented to the Houfe, and on the twenty-firft day of the feffion, an act of liberation paffed in his favour. Such was the cafe which the induftry of the Crown lawyers of Scotland had brought in juftification of their conduct. As they had brought it forward, he demanded the benefit of it. The petition for Baillie ftated the hardfhips of the cafe from his long imprifonment. But what was his fuffering in comparifon of the unfortunate gentlemen in favour of whom he defired to move their Lordfhips?—They were confined in the cell of a narrow and confined fhip, moift and damp—with twenty-four convicts of the moft atrocious kind—and fo fevere was their fuffering, that one of them was even now nearly reduced to his laft. He defired, then, that their Lordfhips fhould do now what was done in the very cafe brought to juftify the proceeding; that they fhould pafs an act of liberation. The noble Lord faid that he might reft

his case here, satisfied that there was no crime known to the law of Scotland but *Leasing-making;* that transportation could not be inflicted for it; that all the defences set up for the late proceedings had crumbled down before inquiry; but it was necessary to observe, that if the sentence had gone beyond what the law authorises, the execution of it had gone beyond the ideas even of those who inflicted it. A circumstance had come out publicly which it behoved their Lordships to consider. The Lord Justice Clerk had said, that in sentencing these persons to be transported to Botany Bay, it was not in contemplation that they should be confined to that place, or that they should be prevented from going to any other, provided they did not return here; or that they should be kept in servitude, and subjected to control. Such was the idea of the court that inflicted the sentence, and certainly when a court had the power of an arbitrary sentence, their definition of it ought to be most strictly conformed to. Now in the instructions of Governor Philips to Mr. King, commandant of Norfolk Island, were the following words: "The convicts being the servants of the Crown for the time for which they "are sentenced, their labour is to be for the public. You are "not to permit any intercourse or trade with any ships or vessels "that may stop at the island, whether English or of any other nation, unless such ships should be in distress." Here then it appeared that a sentence was to be executed which was not inflicted, and not in the ideas of the judges. They might be made the slaves of malefactors, who had or had not served out their times, obliged to perform a daily task, and reduced of course to a situation the most horrid that human nature could experience. If Governor Philips were by accident to meet with the Lord Justice Clerk, and to be inquisitive upon the nature of the sentence, he would be told that he must not confine them to the island if they chose to go away, or to employ them in any toil. Undoubtedly every new week he would hear from the advocates for these sentences different accounts of their nature, and would go away perplexed as to the course which he must take concerning them. The noble Lord said, he must still detain their Lordships with referring to the three particular points in Muir's case, upon which, in his mind, an address to the Throne was indispensably demanded: and first of the objection made by him to his jurors, he stated the history of the society at Goldsmith's Hall in Edinburgh, and their proceeding against Mr. Muir previous to the trial. He argued, that having pronounced upon him so marked a judgement previous to the trial, Mr. Muir's challenge of them as jurors ought to have been admitted. He argued this from the analogy of the law of England, as shewn in Hawkins' Pleas of the Crown, in

Blackstone, &c. and it was still more strongly conformable to the ancient practice of the Scots law, as had been shewn in the case of the trial of the Earl of Balmerino: "He objected to the Earl of Dumfries, because he had been solicited and dealt with by prayer to find the panel guilty of the *dittay;* which being referred to the said Earl his oath, he denied any such matter, that he either gave out speeches of the pannel's guiltiness, or that he was solicited or dealt with by prayer or otherwise. The Justice admits him in respect of his declaration. It is alledged against my Lord Blantyre, that he cannot be upon his assize, because he has publicly reported to sundry, that the panel, to his judgement, is guilty of the *dittay*, and cannot be cleared thereof, which they refer to his Lordship's oath; who being sworn, declared, that he could not deny that he had spoken such speeches; whereupon he was repelled, and ordered to stand aside." Here was a case perfectly in point; for the gentlemen of Goldsmith's Hall had pronounced a judgement against Mr. Muir. Some of them too were in the King's service; and one of themselves thought this a proper objection; and so it was by the ancient law of Scotland; for by an act of Robert I. it is said, that "nae man wearing the King's claiese or liverie, shall sit on the assize;" and Sir George Mackenzie says, that out of the forty-five jurors, the defendant by the ancient practice could make a peremptory challenge to thirty of them. The noble Lord then came to the second point, that proof had been brought of criminal matter not in the libel; and he argued this as a fatal objection, particularly in a Scots trial, where the defendant was bound to give in a list of his witnesses before hand; and was thus to be taken unawares, without limitation as to the period of time, and without being able to provide for his defence. The third point was equally material:—To withhold from him the benefit of the evidence of Russel, on the score of prevarication, was inconsistent with all fair proceeding, and with all rules of evidence. Prevarication might destroy the credibility of a witness, but it could not make him incompetent. The distinction was so clearly understood in the English practice, between credibility and competency, that there never was a moment's hesitation on the subject; and he instanced the very memorable and recent case in the trial of John Innes, where a witness, of the name of Wood, had acknowledged that he was guilty of perjury, and had called himself Borthwick; yet he underwent a long examination respecting the facts of the case, and it was not until the jury had returned their verdict, that he was committed for perjury. It was also well understood in the Scots practice; for at the Circuit Court at Dumfries, before Lord Coalston, an objection was made to the evidence of James Rae, a wit-

ness for the King, that he ought not to be examined, because he had, upon different occasions, been accused of perjury; but the Judge said, this was not a reason for him to withhold his evidence from the jury; it might be a reason for them not to believe it. And it was the general sentiment that they were always to favour and lean to that which could operate for the defendant in a criminal trial. Whether the Scots Judges in the late proceedings had felt and acted upon this sentiment, the treatment of the poor man who hesitated at taking an oath in a particular way, the treatment of Russel, and the welcome given to Ann Fisher's evidence, together with the whole train of their conduct on the occasion, would determine. He had detained their Lordships so long, that he would not much farther intrude upon their patience. There was but one more proposition, which, if it was well founded, as he believed and contended it was, would completely demolish the whole of these sentences. It was, that the Court of Justiciary were incompetent to carry on the trials without a warrant from the Crown for the specific purpose. Before the Union it was clearly and manifestly necessary that such a warrant should issue, and he contended that there was not a case since the Union, where it had not issued. In the trial of Mr. James Dundas it was produced, and so it was in the trials of Graham, Crawford, Hogg, Oliphant, Watson, &c. tried in 1714 and 1715. If this then was true, what was altogether the case of these unfortunate persons? That they were tried by a court not competent for the purpose, by jurors to whom there were lawful objections, upon charges not specified according to law, where evidence was admitted of facts not in those charges, where witnesses not incompetent were rejected, condemned to a sentence inapplicable to those charges, and that sentence executed in a way inconsistent with the ideas of the court. The noble Lord concluded with a warm and very eloquent appeal to their Lordships on the propriety of discretion vested in judges. Whenever it was so entrusted, it was a sort of legislative power, and ought of course to be exercised with the utmost delicacy. Man acting upon that power, painful and afflicting as it must be to himself, would naturally look at all the precedents by which his discretion might be guided, and to all the collateral circumstances from which he might collect a rule of government. Did the Scots Judges turn to the cases in 1715, when a rebellion was raging in the country, then they would have found, at a time infinitely more perilous to the Government than the present, similar, or rather infinitely more glaring offences had been punished with a very short imprisonment, and a small fine. Had they looked to the conduct of the neighbouring country, Eng-

land, they would have found that the publishers of Paine's book, which Muir had only lent, were sentenced to pay a fine of one hundred pounds; and that in Ireland, Hamilton Rowan, the author of the letter which Muir only read, was sentenced to two years imprisonment. Had they looked to the habits, to the temper, and the manners of the kingdom, they would hardly have inflicted a punishment so disproportioned to the punishments for the same offence in the neighbouring countries; and which consequently must make all mankind view them as objects of pity rather than of guilt. In two countries united together by the same interests, incorporated under the same head, the administration of the laws ought to have a reference to the system of both. If a system of criminal jurisprudence, severe and ferocious, existed in the one country, and a system of mildness existed in the other, what must be the consequences? Discontent must be engendered in the country in which severe punishments are inflicted; and in the other, so far from viewing the person as an object of guilt, he would be cherished as worthy of their applause. Nor was this all: the public mind takes the impression of ferocity from the ferocity of its Government. As fluids partake of the materials that surround them, so the passions of men take their quality from the temper and character of the Government. France was a melancholy example of this eternal truth; the horrid punishments, the cruel mockery of all justice, which, under the old Government, had so long afflicted that people, had accustomed them to ferocity and horror, and at this day the effects of that system was visible in the savage cruelties which ravaged the Republic. It was of consequence to their Lordships to think whether they were to countenance acts of severity that might engender sentiments of the same kind. The mild system of England contributed more than any thing else to that humanity, which was the brightest feature in the character of Englishmen. It was not by the severity of punishments that example was given, so much as by the certainty; and a noble Lord, whom he had the honour to see in his place, had given his ideas on the pernicious effects of the severity of punishments, that it was impossible for him to express his own ideas in words so applicable. He read the following passage from Lord Auckland's Treatise on the Principles of Penal Law, 3d edit. p. 12, 13.

"When the rights of human nature are not respected, those of the citizen are gradually disregarded. Those æras are in history found fatal to liberty, in which cruel punishments predominate. Lenity should be the guardian of moderate Governments:—Severe penalties, the instruments of despotism, may give a sudden check to temporary evils; but

they have a tendency to extend themselves to every class of crimes, and their frequency hardens the sentiments of the people. *Une loi rigoureuse produit des crimes.* The excess of the penalty flatters the imagination with the hope of impunity, and thus becomes an advocate with the offenders for the perpetrating of the offence.

" The convicts who have stolen cloth from the tenters, fustian from the bleaching-ground, or a lamb from the landlord's pasture, know the law to have assigned death, without benefit of clergy, to each of their offences: But, in the depth of ignorance and profligacy, mere instinct informed them, that common humanity would recoil at the idea, and they relied for their security on the ingenuity of mercy to evade the law.

" Legislators should then remember that the acerbity of justice deadens its execution; and that the increase of human corruptions proceeds, not from the moderation of punishments, but from the impunity of criminals.

" In the promulgation of every new offence, let the lawgiver expose himself to feel what wretches feel; and let him not seem to bear hardest on those crimes which, in his elevated situation, he is least likely to commit."

His Lordship concluded with warmly recommending to their Lordships the contemplation of a sentiment so essential to the happiness of the two countries. It was not for the one more than for the other, that he, that night, so urgently pressed the consideration of this topic: it was not for the relief of the unfortunate persons themselves alone, but for the whole community, for the order and peace of society, for the efficacy of good laws, and the obedience of a satisfied people, that he argued.—Every consideration dear to them as Britons and as Legislators, ought to urge them to interpose in time, and prevent the influence of the error in judicial administration, which, in his conscience, he thought had been committed by these proceedings. He then moved, as a preliminary to his address, for the production of the papers respecting the trial and sentence of Mr. Muir and Mr. Palmer, and any minutes that might have been made in regard to the challenge of jurors, the exhibition of evidence, &c.

The Earl of MANSFIELD said, he thought himself called upon to rise by his noble friend, who had so severely attacked the courts of law in Scotland, and particularly the Court of Justiciary, of which he had the honour to be a member. He would not follow the noble Earl through the wide range of discussion upon extraneous matter which he had introduced, but would content himself with endeavouring to defend his colleagues with the same candour, temper, and moderation which they themselves would do, conscious of the rectitude of their conduct. The fair question at issue then was, Whether the punishment inflicted upon the culprits was or was not legal and adequate to the crime which they had committed. He

then went into Muir's case, who, he contended, was not tried for leasing-making, but for sedition. And having defined and illustrated by different cases, what he considered to be the nature and extent of that sedition, he maintained that if they were found guilty of the crimes they were charged with, the punishment inflicted upon them was fully justified by the act of 1703; and by every thing that had gone before or happened since in similar cases, that act authorises the sentence of banishment; and the distinction which had been made between banishment and transportation, he contended, could not be maintained upon any solid grounds. By every construction of the Scotch law, and the Roman law, as far as it came into the practice and reasoning of the Scotch Courts, transportation was comprehended in the punishment of banishment; to corroborate which, he gave several authorities, and laid particular stress upon that of Sir George Mackenzie, from which it might be inferred, that transportation and banishment were used as nearly synonimous. The case of Dundas which had been cited, he could not allow to be applicable to the present question. Dundas was accused of leasing-making only.

As to Muir, active sedition was charged, and clearly proved against him, by exciting the people to discontent and rebellion; and the other crimes proved against him on the trial, certainly came within the meaning of what was called *seditio regni*. And as to Palmer's case, one of his own Counsel had admitted that the major proposition in the indictment amounted to sedition; to which another agreed, though he thought an actual rising of the people was necessary before the criminality could be such as to call for severe punishment. Having dwelt upon this, he asked the noble Earl, whom he knew to be well acquainted with the law of that country, from his professional education, and the early symptoms he had given of proficiency in it, Whether, as a Scotch lawyer, he would agree that an accusation for leasing-making, and active sedition proved, were the same offence? He came next to the power which the Court had to inflict arbitrary punishments for particular offences, and stated the term "arbitrary," to mean nothing but discretionary; and also stated the different crimes which by the law of Scotland were only punishable in that way; and he asserted that transportation was within the power of that Court for such crimes, long before the act of 1703, and was surprised to hear it stated as a new mode of punishment, adopted either by the Court of Session or Justiciary. He stated a variety of cases which he thought, in point of criminality, did not come up to Muir's. He thought the punishment that he had been sentenced to was preferable to any other that could

have been inflicted. Fines would not anfwer in Scotland: he fuppofed, from their original poverty they never had been thought a proper punifhment in that country: they would not be paid, and in that cafe the culprits would be thrown into prifon, the worft and moft inadequate of all punifhments, in cafes of that fort; for he confidered a prifon to be a complete warehoufe of fedition. The Courts of Scotland had no power to fend criminals to England, nor would it be proper that they fhould have any fuch power. In fhort, upon the whole of this queftion, he thought that, if it did not appear manifeftly that the Judges had exceeded and abufed the difcretionary power which they poffeffed, and till that was made out by inconteftable evidence, he affirmed that they ought to be fuppofed in the right. Before he fat down, he could not help lamenting the treatment which the Scotch Judges had met with in this country, for a conduct which he thought did them much honour. He concluded his fpeech with fome handfome compliments to the Lord Juftice Clerk, and his colleagues, in the Court of Jufticiary.

The Earl of KINNOUL (Lord Hay) faid, that he regretted this fubject had been fo much agitated and difcuffed, and made fo public; but fince it had been fo, it was highly important that both Houfes of Parliament fhould give their decided opinion upon it, in order to fet it entirely at reft. His Lordfhip defended the proceedings of the Scotch Judges, who, in his opinion, merited the encomium beftowed upon them by his noble friend.

The LORD CHANCELLOR faid, that the opinion he held on the queftion before their Lordfhips, had not been altered by any thing he had heard in the courfe of this debate; but many arguments and obfervations had tended to confirm it; the noble Earl in the green ribband had ftated the general principles of the law of Scotland fo well, that he had nothing to add upon it; the propofitions he ftated were fo plain, fo clear, and fo evident, and the reafoning he had urged in fupport of them, fo fatisfactory, that he was fure their Lordfhips were perfectly convinced on that fubject. He had proceeded to ftate the character and conftitution of the Court to which this motion referred, and had done it with the energy of truth, without the ornament of declamation, in fo able a manner, that he fhould conceive it to be to the difadvantage of the caufe for himfelf to enter upon thefe topics after the noble Earl, becaufe he might injure the impreffion, by endeavouring to improve it. He then proceeded to take notice of fome of the objections which the noble Earl, who brought forward this motion, made to the trial of Mr. Muir. It had been objected that the jury who tried the caufe,

had made a declaration to ſupport the conſtitution, and to defend it againſt its opponents—he meant the declaration of the Goldſmiths'-Hall Aſſociation. That declaration was perfectly a right one, for it went no farther than every honeſt man would wiſh to go, namely, to ſtate an abhorrence of any ſeditious practices. If the ground of this objection was to be held a ſolid one, there could not be a jury of honeſt men in the kingdom fit for the trial; for it might be proved that any honeſt man who might be named for a jury, had either entered into an aſſociation as a member to oppoſe, or expreſſed his diſapprobation of, ſedition. Upon ſuch a challenge, we might proceed to reject all the authority of the law itſelf, as a rule of action for men in a ſocial ſtate, and to the character of all Judges, the expounders of that law; this would at once put an end to all law, and ſilence the opinion of all lawyers upon a queſtion of ſedition. As well might it be ſaid that all thoſe who, many years ago entered into a determination to oppoſe, and expreſſed their deteſtation of an offence, that at that time had grown into uſe, ſuch as knocking a man down and afterwards robbing him, were diſqualified to form a jury to try any perſon who had been guilty of that offence; but he truſted that Engliſhmen had not yet arrived at that degree of refinement in their ideas of the adminiſtration of juſtice. Another objection had been ſtated, which related to a book, "Flower on the Conſtitution of France;" the Lord Advocate waved what he had a right to inſiſt on in that reſpect, which ſo far argued that there was no harſhneſs in the proſecution. With regard to the conduct of the Court on the evidence of Ann Fiſher, his Lordſhip declared that he believed no man in this country who pretended to be a lawyer, could blame the Court upon that ſubject. It was ſtated too that a witneſs had been improperly committed for prevarication, and afterwards rejected by the Court improperly. In the firſt place, that witneſs was not committed for prevaricating in his anſwers; he was committed for refuſing to anſwer a queſtion, when it was evident that he muſt have been able to anſwer. The queſtions put to him were plain and ſimple, and related to a converſation which had taken place only three days before his examination. He ſaid he *could* not tell when; the truth was, he *would* not tell; and here he could not help taking notice of the general obſervations of the noble Earl who brought this motion forward, who ſaid that the rules of the admiſſibility of evidence were general; now from this he diſſented; the rules were not general; they were not the ſame in England as they were in Scotland. In England, the Court judged of his competency or admiſſibility only, and left his credibility to the jury. In Scotland it was otherwiſe; for there the Court

had power to determine whether he should be examined or not; and he was sure that, generally speaking, no defendant had any reason to complain of this rule. In nine cases out of ten it must operate in favour of the defendant. But here the noble Earl, if he had given himself the trouble to be well informed upon the subject, must have known how vague all general reasoning must be upon this subject, because the thing itself was not governed by general rules, but by the particular practice of the law of particular counties. So different, for instance, was the law of England from the law of Scotland, in saying what sort of person should not be examined, that the law of the two countries had not the most remote resemblance. In England, in any parochial case, a parishioner could not be examined, nor could a corporator in a question belonging to the borough of which he was a member. The law of England said, he should not be examined, because it was possible he might be interested in the event: this rigour was found to be too inconvenient in some instances to admit of the due administration of justice; but it could not be abated but by a positive act of Parliament, which was passed for that specific purpose. That was not at all the case of the law of Scotland, for by it the Court were to use their discretion as to the admissibility of a witness.

Another objection had been made to the trial of Mr. Muir, as being an illegal trial; and the argument for the illegality was, that there had not been any warrant from the Secretary of State, directed to the Lord Advocate of Scotland, for the apprehension of the defendant; and for this the noble Earl quoted the case of Mr. Dundas in a former time. It was true, that in that case the Lord Advocate received a warrant from the Secretary of State; but did it ever enter into the head of any man, in the least acquainted with the laws of this or of that country, that the warrant of the Secretary of State was necessary to found the jurisdiction of the Lord Advocate to bring such a person to trial? The thing was really so much beyond the limits of a rational dispute, that he could hardly trust to his own comprehension, and be sure he heard the noble Earl aright, when he thought he heard him maintain the affirmative of that proposition; he could not have stated it so, if he had not lost sight of all reflection on the authority of the law of Scotland, and had been running a race for the purpose of finding something in the shape of objections to the trial in question. His Lordship then noticed the case of Dr. Bailley; by this case it was evident that the Judges who pronounced judgement upon him, thought that transportation was included in the word banishment; and he believed it would not now be questioned whether these Judges understood the law of Scotland

at that day, and which had not been altered to the present hour.—But should he agree, for the sake of the argument, that the proceedings on this trial were unjust, and even illegal, and decided with a party spirit, how would the case then stand? It would then be ten times stronger for the argument in favour of his side of the question. The sentence on this person was not put in force, for he had a parliamentary pardon. But on what ground? The Counsel for Mr. Bailley were acute men, and not likely to lose sight of any point that was in favour of their client. Did they insist that his banishment did not imply transportation? Nothing like it. They alledged, that in saying what he said he was bound to do so; and that if he had concealed what he had to say, he would have been guilty of misprision of treason, and it was under that idea the conviction was set aside. Not that if the conviction was right upon the fact, the Judges were not right upon the law arising out of that fact, in pronouncing on him a sentence of banishment; and to carry that banishment into effect, they ordered him to be transported. His Lordship then proceeded to shew the difference between the law of England and the law of Scotland, with regard to crimes punishable as felonies, and those offences which in England are called misdemeanors. He instanced a case, where persons running away with a young lady, for the sake of obtaining her fortune, had been transported for it by the law of Scotland. In England, that would only have been a misdemeanor, and on which transportation did not attach. The cases which established the distinctions in these points between the laws of the two countries, were so numerous, that he wondered that any person pretending to know any thing of the law of either, should be ignorant of that distinction. He would go farther, for he was confident that the gentlemen, whose trials this motion alluded to, might have been convicted on the act of Parliament of the year 1703, if they had been indicted on it. He therefore found himself under the necessity of differing from the noble Earl in almost all he said on the present subject, and of agreeing with the two noble Earls who had opposed the motion.

There was one point however, in which he differed from a noble Earl (Kinnoul) who had expressed a wish this subject had never been brought under so much discussion. He, on the contrary, was happy it had been brought under discussion in every place, he meant in every respectable place, it had been brought under discussion, for that had contributed to dispel that calumny, which flew in the dark, and tended to purify the characters of the Judges, who had acted upon these trials. They would have consolation from all these discussions, and particular consolation from the result of the labours of

the noble Earl, who had brought this subject before their Lordships, with great dilligence, ingenuity and abilities, he admitted; but in a manner which proved the weakness of the cause in which he was engaged; he had not so much specified his objections to particular points, as he had insisted on the general topics against the whole of the code of the Scotch law. In doing this, he acted wisely, for where the citadel was strong, he should begin his approaches at a distance; for this purpose the noble Earl had stated to their Lordships, the superior wisdom of the law, and the liberality of its expounders in the 12th and 13th centuries. Perhaps their Lordships might not be able to agree with the noble Earl, or join with him in his panygerics on the superiority of those days over the present, for he seemed to think that good order and the happiness of Society were then at their height; and that the subsequent alterations of the law, and the labours of Lawyers to explain the law, had tended to confine instead of expand the principles of liberty. He seemed to call for a general reform, and, like all general reformers, his ideas seemed better fitted for general destruction of the whole system than for any specific amendment of any particular part. He was not a little surprised that in his copious enumeration of general defects, the noble Earl had not the goodness to communicate to their Lordships what remedy he intended to apply. He had merely hinted that the laws of Scotland should be assimilated to the laws of England. He believed there was no real necessity for that assimilation, and that if the noble Earl was to proceed to it, he would soon find himself under the necessity of altering the law of England also. He doubted whether that could be done with advantage to either; at least, whenever it was done, it should be done with a very wise, if not a very sparing hand: and the inclination of his mind was that both laws should for the present, remain as they are. Much censure had been heaped on the late proceedings of the Court of Law in Scotland, and the Judges must take their share of blame upon the subject. He had no inclination to bestow any studied panegyric on them: no part of their conduct had any need of it. They had acted, he believed, upon the principles of truth and justice, as they should answer to their God and their country; and they behaved with a manly firmness. Some time after the trial had commenced, they had around them the appearance of a mob, a bustle, and a clamour: they regarded it not, but proceeded deliberately in the execution of their duty; and they had the only recompence which a wise man could think worth having, the satisfaction of knowing that the clamour of the moment, however loud, was but the clamour of the moment; that having subsided, they found good order, peace, and tranquillity;

they found they had the support of all good and honourable men. Many gentlemen had come up from Edinburgh; he had conversed with many: men of a grave, sober, serious disposition, and honourable character, they all declared, that every man of character and property in Scotland approved of the whole of the trial and the sentence; every man of rank, every man of fortune, every merchant Aristocrate, every tradesman Aristocrate, every worthy individual, approved highly of the conduct of the Judges. None affected to be dissatisfied with it but the real Sans Culottes of Edinburgh.

The Earl of LAUDERDALE expressed his surprise at the mode of treating the question adopted by the noble and learned Lord. Neither declamation nor invective should deter him from bringing before the consideration of their Lordships what seemed to him so materially to deserve it, and what he could produce solid arguments to support. If the noble Lord had paid a little more attention to the subject, he would have found many instances of crimes formerly included under the general head of treason made subject by law to appropriate punishments, after being taken from under that general head, by the introduction of the English treason-laws into Scotland. The noble Lord had talked with affected astonishment of the necessity of a warrant to enable the Court of Justiciary to try men for leasing-making. Yet not a single instance of that Court's exercising jurisdiction on leasing-making, without such a warrant, would he be able to find before the Union; and the reason was this: The whole of the jurisdiction was in the Privy Council, and the Court of Justiciary could take no cognizance of the offence, but in virtue of authority delegated by warrant from the Privy Council. His argument on refusing the challenge of jurors, which the noble Lord had totally misapprehended, was that of the very acts which those jurors had previously declared extrajudicially to be acts of sedition. Evidence to criminate the prisoner might have been admitted on the trial. The noble Lord would say they were not set forth in the libel. No more were Mr. Muir's alledged expressions against the Court of Justiciary, and yet of these expressions evidence was actually received. The distinction between the competency and the credibility of witnesses stood upon the same principle both in England and Scotland. He wished the noble Lord had spared his wit in order to notice the cases cited, particularly that of the trial at Dumfries, where a witness whose incredibility was impeached in the highest possible degree, was permitted to give his evidence, on the express ground that there was no record of perjury to render him incompetent. If the noble Lord, instead of consulting Barnet's history, had looked into Lockhart's memoirs, he would have seen that both the

ſentence againſt Bailley by the Privy Council, and the reverſal of that ſentence by Parliament, were political intrigues equally diſgraceful to both parties, and ſuch as no man would ever think of reſorting to as a rule for the impartial adminiſtration of juſtice. If the noble Lord had read Bailley's petition and the act of Parliament paſſed in conſequence, he would have ſeen that the complaint was not confined to any particular part, but againſt the whole of the proceeding, and the long impriſonment which the Petitioner had ſuffered. Such a caſe he ſhould never have condeſcended to notice in argument, but for the triumphant manner in which it had been brought forward and relied upon as a precedent that completely juſtified all the late proceedings of the Court of Juſticiary. Miſerable muſt be the cauſe that reſted on ſuch a precedent; and he rejoiced that the very feeble ſupport which it had this day received, had proved that it could not be relied upon, and he hoped diſpoſed of it for ever. He had expreſsly guarded againſt the idea of making any reflections on the Judges. He had merely ſtated facts to their Lordſhips, and the reaſons that had induced him to think them fit matter of inquiry. By inquiry alone could it be determined whether or not the Judges had acted as they ought. He wiſhed that the people of Scotland might not entertain ſuſpicions of the pure and mild adminiſtration of juſtice amongſt them. He wiſhed they might feel, on the late proceedings, as the noble Lord, wrapt up in the ſecurity of high official ſituation, was ſo confident that they felt; but he feared that, if the noble Lord were to go into the country he would find that the approbation of them, even among Ariſtocratic merchants and ariſtocratic tradeſmen, as far as property was included in the epithet, was not quite ſo general as he imagined. The noble Lord ſaid they were approved of by all the Scots bar, except one or two of a particular deſcription. Did he mean by this to denote a man of the firſt practice and abilities at the Scots bar, whom the advocates, as the moſt honourable teſtimony to his talents and his character, had long placed at the head of their faculty? Whatever perſons the noble Lord might mean to point out by one or two, both the legality and the diſcretion of theſe proceedings were doubted, not by one or two, but by many.

The queſtion was put on each of Lord Lauderdale's motions, and paſſed in the negative, without a diviſion.

The LORD CHANCELLOR then ſaid, that after what had paſſed, their Lordſhips would deem argument unneceſſary in ſupport of a motion. "That there was no ground for interfering in the practice of the eſtabliſhed Courts of Criminal Juſtice, as admini-

ftered under the Conftitution, and by which the rights, liberties, and properties of all ranks of fubjects were protected."

The Earl of LAUDERDALE faid, it was as new, as extraordinary, after refufing all the papers he had moved for, to make a fpeech of his the foundation of a motion for which the papers could have been the only proper grounds. It was unbecoming the dignity of the Houfe, at the clofe of a debate to propofe in lieu of argument a fquib in the fhape of a motion, for which no reafon whatever could appear on their Journals. It was not for the honour of the Judges to whom the compliment was intended, to pafs a vote of approbation without fomething to fhew that it was deferved.

Earl STANHOPE faid that, much as he had been aftonifhed at proceedings in Parliament, he had never been fo much aftonifhed as at the motion now propofed. When, in the beginning of the feffion he had moved an addrefs to His Majefty to fufpend the execution of the fentence againft Meffrs. Muir and Palmer, becaufe doubts were entertained of its legality, their Lordfhips did not think that fufficient ground even to interpofe between the fentence and the execution. What was now propofed? There was nothing to found a refolution upon, but a very able fpeech from his noble friend, to which nothing that deferved the name of an anfwer had been given, and yet it was propofed to approve of that fentence without any inquiry. He fhould therefore propofe to infert as an amendment, "All the documents on which fuch a declaration could be founded having been refufed."

The Earl of CHESTERFIELD faid, the motions previoufly made would appear upon the journals, and the motion now propofed ought to ftand there alfo to do away their effect.

Earl STANHOPE faid, this argument would not do. If the motions made by his noble friend would appear upon the journals, it would appear alfo, that they had been negatived, which was fufficient to do away their effect. The Houfe could not adopt the motion now propofed without inquiry—He, for one was ready to declare, that he was neither one of the Ariftocrate merchants, nor of the Ariftocrate tradefmen, who approved of the late proceedings of the Scots Criminal Courts, but one of the *Sans Culottized* perfons who condemned them.

Lord GRENVILLE faid, the noble Lord had now avowed in terms what his conduct on former occafions had fufficiently declared. In future difcuffions interefting to the peace, and Conftitution of the country, in which the noble Lord might think fit to take a part, their Lordfhips would recollect that they were liftening to the arguments of a Sans-Culottes. When advantage was taken of the

forms of the Houfe to plan on the Journals not merely motions, but detailed arguments reflecting on the Adminiftration of Criminal Juftice, their Lorpfhips could do no lefs than obviate the ill effects of fuch arguments, by an explicit declaration that there was no ground for interfering in the Adminiftration of Criminal Juftice.

Earl STANHOPE's amendment was negatived; and the Lord Chancellor's original motion put and carried.

The Houfe adjourned.

Wednefday, 16th April.

No debate.

Thurfday, 17th April.

The LORD CHANCELLOR faid, the attention of their Lordfhips had been confiderably engaged, during the laft feffion of Parliament, by a bill, the object of which was to give fome relief to unfortunate perfons confined for debt. The provifions of that bill were fuch as induced their Lordfhips to reject the bill, and the Judges were defired to give a report upon the fubject. They had given it their utmoft attention; and in confequence of their report, the bill which he held in his hand was framed. It was in many particulars a tranfcript of the bill paffed in 1781: it however extended relief to perfons confined for lefs than 1000l; whereas the bill paffed in 1781, extended only to perfons imprifoned for lefs than 500l. The utmoft pains had been taken to prevent, as much as poffible, fraudulent debtors from taking advantage of the bill; and as many perfons had thrown themfelves into prifon under the idea of being liberated by an act of this kind, and of having the operation of white-wafhing performed upon them, it was provided that none fhould receive any benefit from the bill who were not in prifon before the 1ft of January 1794. There appeared, from the returns of the King's-Bench Prifon, to be about 600 perfons now confined there, out of whom there were not above 44 who would not derive benefit from this act. His Lordfhip wifhed to fee a regulation take place, which he thought would have very beneficial effect, namely, that the jailors of the different prifons fhould tranfmit annually to the Court out of which the procefs iffued, a return of the number of the perfons confined for debt, and the fums for which they were confined. Having ftated the general outlines of this bill, his Lordfhip moved that it be read a firft time now; and during the recefs their Lordfhips would be able to confider its merits.

The bill was then read a first time; and the House adjourned to

Monday, 28th April.

Lord GRENVILLE presented a message from His Majesty, relative to the treaty entered into, between the King of Prussia, the States General of Holland, and Great Britain, and moved, that the House should be summoned to take the same into consideration on Wednesday next. [For a copy of the message, see the proceedings of the Commons of the same date.]

The House adjourned.

Tuesday, 29th April.

No debate.

Wednesday, 30th April.

Lord ABINGDON said, I have in my hand a petition, which, circumstanced as the subject-matter of it now is, it is with much satisfaction to myself that I rise to present it to the House. Your Lordships may recollect, that when this business was brought forward by a noble Lord (who, employed in the service of his country, is not now in his place,) although I then presented a petition similar to this from the debtors confined in the Oxford jail, I spoke against the measure; and rested my objections to it on two grounds.

The first ground was, that it was a case that required such an infinite degree of professional knowledge in the law to develope, that however much I might respect the abilities of the noble mover of the question, until I should see the learned Lord on the woolsack, with the rest of the law Lords of the House, calling for the assistance of the Judges, and all united in making so great an alteration in the laws and customs, nay, in the very constitution of the country, I could assent to no proceeding different in description from this. But what now is the case? It is, that the very proceeding which I then took the liberty of suggesting to your Lordships, and which I thought the nature of the case called for and required, is now, in every particular, carried into effect. That is, it is a proceeding (as we find by a bill on your Lordships' table) adopted by the learned Lord on the woolsack, said to be sanctioned by the other law Lords of the House, and confirmed by the assistance had from the Judges of the land. It is that case, therefore, that my judgement and opinion must necessarily go along with and support.

The other objection which I had to the measure was this: That

the fault did not ſo much lie, and of courſe the remedy was not ſo much to be looked for, in the law, as with the lawyers; meaning to ſay now, as I did then, not with thoſe who deſerve this reſpectable name, but with thoſe licenſed robbers, thoſe legalized pickpockets, the pettifogging *qui tam* attornies of this country, who, in the malverſation and perverſion of the law, are its ſcandal and diſgrace.

And here too, my Lords, to my great gratification, do I find, that this other objection of mine is in ſome degree obviated, by being in the way at leaſt of removal; the Legiſlature having, in their wiſdom, thought fit, during the preſent ſeſſion of Parliament, to take this matter into their conſideration, and to bring theſe common diſturbers of the peace of mankind, theſe invaders of the liberty and property of the people, and, in ſhort, theſe ſcourges of the country, under their notice and eye. They have ſet a mark upon them; they have ſaid,

"*Hic niger eſt, hunc tu, Romane, caveto;*"

and ſo far they have done well; but this is but the very beginning and outwork of the ſiege, that muſt be carried on againſt a body of profeſſional ſwindlers, ſo coated in the armory, and intrenched up to the chin, as they are, in the crooked ways and defiles of the law; the law muſt become their maſter, and not they the maſters of the law. And as, in the doing of this, my own ſituation (for "*experto crede Roberto.*") brought forward by myſelf, and perhaps ſhortly too, may furniſh, both in precept and example, the means, in order to the end of ſo much public utility; ſo, for the preſent, I ſhall here content myſelf only with moving that this petition be now preſented."

Petition received.

Earl STANHOPE, referring to a converſation that had taken place the day before, relative to ſome expreſſions uſed by Mr. Burke in the trial of Mr. Haſtings, and which were ſuppoſed to convey a reflection upon the integrity of the Judges, ſaid that he had ſince been reflecting a good deal with himſelf upon the ſubject; and, after full conſideration, his Lordſhip ſaid, he thought it his duty to ſubmit to the Houſe a motion with regard to it. As a general propoſition it could not be diſputed to be of the utmoſt conſequence in every country, that the characters of the Judges ſhould be preſerved pure and immaculate. If therefore the Court of Juſticiary in Scotland, or if the Judges of this country were accuſed of injuſtice or corruption, it was certainly proper that the charge ſhould be fully inveſtigated, that if it was juſt, the Judges might be removed, or,

if unjuſt, that the calumniators might be puniſhed, and the characters of the Judges vindicated. The preſent caſe was ſo ſtrong, that his Lordſhip choſe to put it hypothetically. Suppoſe a perſon in a numerous aſſembly to have ſaid that a branch of the Ganges had flowed into the Thames, and polluted the current of juſtice in this country, ought ſuch words, if uſed by any perſon, ſtill more by a Manager of the Houſe of Commons in his public character, to paſs unnoticed? If they did, the people muſt conclude either that the Judges of this country are corrupted, or that they may be calumniated with impunity; and in either caſe, their characters and dignity as Judges muſt be leſſened in the eye of the public. His Lordſhip concluded with moving, "That the ſhort-hand writers employed at the trial of Mr. Haſtings be directed to attend at the bar of the Houſe to-morrow, and bring along with them the minutes of the proceedings of Tueſday the 29th inſtant."

Earl CAERNARVON was ſurpriſed to hear a direct charge made againſt the honourable Manager, when from his own knowledge and memory he could aſſert that the words as had now been quoted were never ſpoken. The words at all events were uſed argumentatively, and not agreeable to the acceptation in which they were taken by the noble Lord. They were a remark on what fell from Mr. Haſtings's Counſel, and as ſuch were not cognizable by their Lordſhips. He conceived that the time to have noticed the expreſſion was, when ſpoken, and not at a diſtant period.

Lord KENYON ſaid, that he conceived the propriety of the motion, though he was neither maſter of the form that ſhould be uſed, neither did he know whether the words paſſed or not, but took them on the credit of his Lordſhip. He declared he had no communication with the noble Peer who brought forward the motion. But the two noble Lords who had ſpoken, differed widely as to the expreſſion, and he thought the Houſe ſhould avail itſelf of the means to ſee which was the moſt correct. If the Judges were guilty, let them be puniſhed—if no charge lay, the honourable Manager ſhould explain himſelf on the buſineſs; but their characters ſhould not be taken away by a ſide wind, and he did not think that it was an object on which they could think with indifference.

The LORD CHANCELLOR ſtated, that although to the whole of a debate, on both ſides the bar, certainly highly irregular, he had not been able to pay entire attention, yet the period which produced the objectionable expreſſion had his complete notice, and he perfectly well remembered the occaſion which gave riſe to the remark. He truſted that the terms upon which he had always lived with his learned brethren, was a ſufficient aſſurance to them, that

he felt the moſt extreme jealouſy for their honour, and if any remark had fallen which had been likely to operate to their prejudice, he ſhould have been the firſt to ſpeak in its reprobation. The occaſion he would briefly ſtate was this: The Managers had cited caſes in ſupport of their argument with inferences, erroneous indeed, as their Lordſhips had decided--but certainly unanſwered by the Counſel for Mr. Haſtings; and if he had felt himſelf inclined to have cenſured any one for the latitude taken, it would certainly have been one of the Counſel, who had ſtated the Judges in the caſe of Lord Strafford to have been panic ſtruck, and other Judges to have been indiſcreet in their determinations, and that the law had certainly changed its principle and practice. The Managers, fortified by this weakneſs, had called for proofs, and arguing hypothetically upon the aſſertion, that what was law in the year 1641 was not law now, had aſked the queſtion ſo ſtrongly enforced as ground of criminal allegation. He ſtated, that the regular way would have been to have called the honourable Member to order at the time; their Lordſhips would then have heard that the offenſive expreſſion would have been explained to their ſatisfaction—Nay the latitude of debate demanded this privilege of explanation: It even went farther, for it gave a liberty for warmth or indiſcretion to give a meaning quite contrary to the obvious import of the words, and he could not look on either ſide of the Houſe without repeated inſtances of this liberty crouding upon his memory. The reports of the ſhort-hand writer were neceſſarily imperfect, and it would by no means become the dignity of that Houſe to act upon ſuch looſe authority. That no man who had ever dealt with theſe venders of notes had ever his own expreſſion faithfully returned to him—beſides there was another conſideration with him of ſtill more importance—the motion having an obvious tendency to embroil the two Houſes.

Earl STANHOPE, in reply, ſaid that he had yeſterday, as well as at all other times, beſtowed upon the trial the whole attention of which he was capable; and whatever might be the ſentiments of the learned Lord, he, for his part, would be aſhamed to confeſs that he had not attended to a trial upon which it was his duty to ſit as a Judge. With reſpect to the common inaccuracy of notes taken in ſhort hand, his Lordſhip ſaid that the ſpeech of the honourable Manager had been taken down by no fewer than three perſons, by himſelf and the two ſhort-hand writers, who were paid by the Public for that purpoſe. If they all agreed in aſſigning the very ſame words to the honourable Manager, it was impoſſible to ſuppoſe that they could be inaccurate or miſtaken. It was impoſſible that if three

men did err, they ſhould all err the ſame way. As to the plea of difference between the Houſes, let us firſt, ſaid he, be ſure of the words, and then I have too much confidence in the Commons to believe they would warrant the Speaker if they were wrong, and in the Lords to complain if they were proved to be right.

The motion was negatived without a diviſion.

The order of the day was then read, for taking His Majeſty's meſſage into conſideration.

Lord GRENVILLE ſaid, that in calling their Lordſhips' attention to ſo beneficial an object, as he conſidered the treaty with Pruſſia to be, he ſhould not have occaſion to trouble them at great length, as he was perſuaded they would ſee it in the ſame light with himſelf. At all times ſince we had to contend with France as a rival nation, and that we had to repel her ambition, her intrigues and her reſtleſs enmity, which had been for ſo long a time, under the old Government, the ſource of our wars, it had ever been found our wiſeſt policy to ſeek for aid on the Continent; for though our ſuperiority over France, in point of real ſtrength, of national vigour, of naval power, of commerce, and of wealth, was manifeſt, yet in point of population, and of the means of raiſing armies, Britain muſt yield to her rival; and thus it had always been our ſyſtem to ſeek on the Continent for additional land force. This had been done in two ways, by forming alliances with ſuch powers as had an equal intereſt with ourſelves in repelling her unjuſt enterpriſes, and who had the means of entering into treaties for their mutual ſecurity, or by ſubſidizing ſuch powers as felt a diſpoſition to aſſiſt us in the cauſe, and to lend their troops to be employed by us in the proſecution of objects, which had their approbation, but which they had not the power to proſecute without ſuch ſubſidy. This at all times had been our policy, not merely from neceſſity, as we could not raiſe great land armies ourſelves, but alſo from economy, as it was certainly cheaper and more political to pay foreign troops, than to take our own youth from the plough, and the loom, and not merely put a ſtop to all domeſtic induſtry, but alſo drain the iſland of its population, and diminiſh our natural ſtrength. This always had been our policy, and there was ſurely nothing now to make us alter it. France by her preſent horrid ſyſtem had certainly made it more incumbent upon us than ever to exert ourſelves in the ſame way. By deſtroying all domeſtic occupations, and demoliſhing the very frame of Society, ſhe had driven all the people into the trade of war. Every man was forced, not merely by the tyranny of the Government, but alſo from the preſſure of actual want, to become a ſoldier, and unleſs we were to do the ſame, unleſs to ſend forth a requiſition,

raise the people in a mass, and put all the men of England into arms; we must supply our inferiority in point of numbers by foreign aid. So far were we however from taking these violent steps, from disturbing in the smallest degree, the complicated machine of national industry, that he would take upon himself to assert, there never was a time when the pressure of war was so little felt by the interior of the country, and when the manufactures and commerce were less affected by the draughts which had been made from active labour. Compare this with the conduct of the Government of France! They were not subsisting by the natural produce of the year. They were not, with the views of a permanent and legitimate Government, looking forward to the interests of the future, but with the rash violence of men who had no interest beyond the day, they were rooting up the very foundations of all revenue, and were spending the actual capital of the country. By this violence they were to be sure able to bring into temporary and short-lived action an unheard of force, but the explosion once made, they could never repeat the effort, for the capital once gone, it could not be recalled. The very fact, however, of their intemperance, demanded from us greater efforts. An extraordinary war demanded extraordinary means. The conduct and sentiments of the British government remained the same as ever. They thought that this was a war upon which depended the very existence not only of this Government, but of all society; that we had every thing at stake, and that therefore no efforts, no expence ought to be spared, by which we could accomplish the just and desirable object we had in view. In this view it was, that Ministers finding it to be the opinion of the Government of Prussia, after the experience of two campaigns, in which great efforts had been made, that they could not, consistent with the true interests of their own country, incur the expence of a third, unless materially aided therein, they thought it adviseable to conclude the treaty on the table. If the political expediency of the war was admitted, he thought there could not be two opinions as to the question of whether this was an advantageous treaty or not. He was free to say that he never had had two opinions on the question, whether we should confine the aid to the stipulated succour of the former treaty, or to extend it to that which was now secured. Of the 62,000 men which his Prussian Majesty had now engaged to furnish, about 32,000 was the contingent stipulated for by former treaties, and for that number, when brought into the field, we were bound, by the former treaty, to pay for bread and forage. Taking, then, into consideration this fact, and going on the supposition that it was right to subsidize at all, the present would be found to be the cheapest

means of raising an army of 30,000 men that ever was known. The total expence of the subsidy was about 1,750,000l. Of this sum the Dutch were to pay 400,000l.; so that our part of the expence was 1,350,000l.; but for 450,000l. of this sum we were bound by the former treaties; so that in reality the whole of the sum to be incurred for the service of 30,000 men for the rest of this year was about 900,000l. and the annual expence would be no more, provided the Dutch should be prevailed on to continue and to increase their proportion, which he had reason to believe they would be. All the other troops employed by us in the war cost us more than this stipulated sum. Our own troops cost more, the Hanoverians cost considerably more, the Hessians cost more, and indeed all the troops of all nations, in British pay, cost more than these Prussians; so that in point of œconomy it was a cheap contract. Nor was this all: he would venture to say it would have been impossible to have found 30,000 men elsewhere in Europe to be brought forward on our part in the war. It was not merely to be considered as a mere subsidy of troops, but here was an army of 62,000 men provided, an army numerous, disciplined, ready, and efficient. Nor was this all: It was not merely bringing so many men into the field, but engaging one of the first powers on the Continent on our side, who would otherwise have withdrawn himself entirely. In a military and political view this was of the greatest consequence. He owned that a subsidy to this extent was new. There never had been so large a one, but though the amount was new, the principle was old and approved. In 1741 we had given a large subsidy to the House of Austria, purely to maintain the rights of the Empress Queen, and in 1756 we had given a subsidy of 600,000l. to the House of Brandenburg, to enable him to make efforts against a common enemy, for his own interest, as much, or more than for our own. Here we were to give 900,000l. indeed, but for what? for 30,000 men, who were to be employed under the command of a Prussian General, on such objects as should be agreed on in military concert for our advantage, and for conquests to be made distinctly for us. Those who thought that the present war might have been altogether avoided, [Earl Stanhope cried, Hear! Hear!] as well as those who thought since it began peace might have been concluded, [Earl Stanhope: Hear! Hear!] would of course think this an improvident treaty; but those who agreed with him, and with the rest of His Majesty's Ministers on the necessity of the war, in the impracticability of obtaining peace on any grounds of real security, and in the policy of making the war vigorous for the purpose of bringing it to a speedy conclusion, would feel with him the advantage and wisdom

of the present measure, and would adopt the motion, with which he begged leave to conclude, "That an humble address be presented to His Majesty, to thank him for the gracious notification of the Treaty concluded with the King of Prussia, and to assure His Majesty that they would concur in the measures necessary to fulfil his part of the same."

The Marquis of LANSDOWNE said he could not avoid expressing his surprise that Ministers should thus call upon the House to come to a vote upon a measure so very new, and important, as the Treaty on the table, so soon after it had been presented to them, and before any noble Lord could possibly have time to examine so nice a question, and to think of the consequences with which it was fraught. He was surprised that they should call for a vote, by which no noble Lord could possibly be bound, since it must be hastily formed, and without reflection, and what grace or weight could they derive from such a support? Surely at a time so critical and so convulsed, and when men in every part of Europe were busied in examining the principles of Government, it was not wise to treat Parliament with so little ceremony, to bring their independence and integrity into question, and to take off from their decisions, the influence which they could only obtain from the dignity, the gravity, the maturity of their deliberations. Surely they ought to uphold the respect due to Parliament, not to undermine it, and if they thought that any strength was to be obtained by the concurrence of Parliament, they should be cautious to give to that concurrence at least the air of deliberation. The noble Lord said, that this was a Treaty founded upon precedent. In his mind it was totally new, and gave perfectly a new aspect to the war. It was an entire change of the fabric. We set out with Prussia, and Austria, as leaders in the war; nay, of these two, Prussia was the first and most forward leader. It was a matter of history that the Prussian Court was not only the most eager, but was in truth the author of the war, and the late unfortunate Queen of France always dreaded the eagerness of Prussia, as likely to involve and affect her brother the Emperor. Prussia not only led the van, and drew in Austria, but the chief command was in Prussia, and the whole of the past campaign was under Prussian auspices. Of this country the King of Prussia did not even think. He did not imagine even that we, out of the line of the war, out of its scope and tendency—far removed not only from all danger, but from all interest, could be so absurd and stupid as to take a part, and no attempt was thought of on his part to draw us within the vortex. Nay, having views very different, he heard with surprise and concern that we had committed the rashness of

involving ourſelves in the war: now this very principal of the principals not only withdraws, but you, the laſt and the leaſt concerned, become the head, and proudly aſſume to yourſelves the grand taſk of bearing the whole burden. Surely a change ſo important demands a pauſe. Surely we ought to reflect before we engage to pay a ſubſidy unprecedented for enormity in all the mad wars in which we ever were engaged; and what war ever received any other epithet after the paſſion of the day had ſubſided? The ſubſidy of 1756 has been mentioned as a precedent. It was a curious precedent on which to juſtify the meaſure. From the day in which it had been made, to the preſent, there had never been two opinions on the folly, extravagance, and abſurdity of that act: he remembered it well: on the very day, that is on the very firſt day that he took his ſeat in Parliament, he had given his opinion upon it; the noble Lord's father had equally objected to it, and the Miniſter himſelf, who gave the ſubſidy, had always owned that it was an unadviſed and impolitic meaſure, and that he had been drawn in on the occaſion. The next argument for this treaty was, that we not only got a great army, but ſecured a great leading power of Europe by it. In this reſpect he differed from the noble Secretary of State. In his mind this was a ſenſible objection to the treaty. To have engaged the ſame number of men from inferior powers, would have been preferable, ſince they could have no intereſts that would interfere with ours, or at leaſt no capacity to thwart our views; but here we confounded two characters that ought ever to be diſtinct, that of a principal and a ſervant. We had to deal with a mighty potentate, who had great and ſacred duties to fulfil towards his own dominions, which our views might croſs, and yet we thought of binding him by pack-thread to the performance of a light pecuniary engagement againſt the permanent, hereditary, ſolemn duties of his ſovereignty. There never were powers that had intereſts ſo different in any war as the Pruſſians and Auſtrians in the preſent. As to ourſelves, he knew of no intereſt upon God's earth that we had in view. But could the King of Pruſſia, ought the King of Pruſſia to diveſt himſelf of his natural duties? Could it be expected that he would be bound to fulfil engagements ſo trivial on the compariſon? Might he not find employment for all his means elſewhere? Was not Poland likely to find him ſome uſe for his troops, and to exerciſe him even at his own door? In the North alſo it was probable that he might find cauſe for alarm, if not for action; and might not circumſtances ariſe in which he would be juſtified in the eyes of all men for breaking this treaty? Such things had been! In the year 1744, after having paid a long peace ſubſidy to Heſſe Caſſell, he turned

the stipulated force into the scale against us, because the interests of his native dominions demanded it. Suppose now that Austria were to be successful in the present war of partition, that success Prussia must regard as ominous to himself? Was it acting like politicians and statesmen to believe that he would act upon this treaty to his ruin? It was vain, fantastic, and absurd to suppose that you could dictate to, and manage the King of Prussia, as you would the Margrave of Baden and his 800 men. He would do as his uncle did. He would laugh at you. He would call you a trafficking, commercial nation, who thought by a quantity of guineas to engage him to overlook the true interests of his people, and he would spurn the bribe. In the renewal then of this bloody lease, it surely ought to be your wisdom to look back to the last campaigns, and see where the fatal errors lay by which your efforts have been ineffectual. One obvious cause of the failures was the difference that subsisted between the Austrians and Prussians. They hated each other. Do they not now hate each other? Does this treaty reconcile them? Austria is not even mentioned in it. The King of Prussia in his memorable declaration says,

"The war was not a war with a civilized nation, and well-disciplined armies, but a war with a delirious and diminishing swarm of men, with a highly populous nation, provided with every resource for war to back them—a set of men who did not fight merely for victory, but who fought by fire, sword, and the poison of their pernicious doctrines, to subvert the whole social edifice of Germany.

"To oppose this almost unconquerable enemy, the King, on his part, brought into the field 70,000 men, and those his choicest troops; with these has His Majesty combated, even until this third campaign, under every imaginable obstacle, far from the Prussian dominions, amidst already exhausted lands, excess of dearness of the necessaries of life, and almost insupportable expence."

Thus, from this declaration, it appeared, that there was a deficiency of troops. Do you get more now? But 62,000 certainly not of the choicest troops. In three years in any war an army is worn out. Two years of the present war must be equal to three of any other war. But then you are to have a smaller number of worse troops, and those troops not now engaged as principals, animated by pride, ambition, and glory, but as hirelings, where there is nothing but a paltry selling of so much blood, for so much money, and in which the heart is warmed by no spirit, where there is a cold cause, that of mere money, and what money! For let it be considered that you are to send your English guineas to Berlin in the lump, there to be converted into what sort of money he shuddered to think for the poor soldier? Perhaps to be converted into forged

[illegible], perhaps into base coin, and we are to have a poor starved army let loose upon our hands, to quarter where they could, and who must be fed to be made useful. What greater prospects, then, did this treaty open? Were the Allies more firmly united? He could take upon himself to say, that the Austrians and Prussians were at a greater distance than ever, not merely the armies, but the Courts. The Empress of Russia too, with her promised inundation of Cossacks, where was she? In plain English, she was off, she had stolen a march. Men were not ignorant of the horrid and diabolical transactions that were passing in Europe. Though from the new species of inquisition that was set up in this country, the newspapers durst not to publish what the Editors knew, yet did not their Lordships all know that the Duke of Sudermania had discovered the shocking conspiracy by which the Government of Sweden was designed, by means the most infamous, the horrors of assassination, to overturned? Could their hopes of success in this campaign be strengthened by these circumstances? Did the disposition of the neutral powers open to us any fairer prospect? It could no longer be disguised that they were now arming, and that they held a very threatening language. By whom they were supported also it was easy to divine.

The intelligence from America also certainly was not less ominous than he had predicted it to be. Nobody would say that the prospect from that quarter was very flattering; so that in this dangerous chieftainship which we had assumed, as the Don Quixote in this crusade against the French windmill, we certainly had no mighty improvement of our views by this treaty: for in addition to all the circumstances he had mentioned, we had a greater want than all— the want of a just cause, and of a fair, and intelligible object.— Even the best writers on the side of the war, from Mallet du Pan downwards, had owned that what above all had tended to prevent our success was, that a substantial object had not been held out to mankind, and particularly to the people of France. Now, if even before this treaty, this charge could be brought against the allies, how much more truly now; for this treaty confounded all rational hopes. It declares that Prussia is to fight to make conquests—for whom?—for the maritime powers! He ridiculed the arrogance of two nations assuming to themselves the title of "the maritime powers," and asked how the pride of Spain would brook the disdain thereby offered to herself—Spain, whose dispositions at this time were equivocal, and whose temper at least was irritable. As to Holland, he should only say, that Holland was once a proud country, how it had been reduced by our meddling officious policy, he

need not say. It was doubtful even whether she was able to pay the small quota of the subsidy which had been imposed upon her. Prussia at least was unwilling to trust to her, and had taken care to have our security. Were we to pay the whole, and take our chance of the Dutch for the repayment? What confidence had we in the present state of our allies? Prussia, by the bye, was no longer an ally, but a servant; but such a servant as you could not expect to command. You are to give him 600,000l. before he moves; for by the treaty he is to have 300,000l. as a bonus, and then he is to have an advance of two months, that is for April and May; and this no doubt he will take care to receive; but when he has received it, what security have you that he will move at all? In what court will you carry on your suit against such a debtor? He had the highest respect for the private character of the King of Prussia as a gentleman and a man of honour, but it was well known, that Sovereigns held their consciences absolved from the ties of common men. But what, he said, was the condition of our allies? Did any one of them, except Austria perhaps, retain even the appearance of feeling a common cause with us? In Spain the only great men had retired with glory into exile, because they would not sacrifice the true interests of their country, and M. D'Aranda had carried with him the regrets of his nation. What even was the state of our own forces? Corsica presented a picture which, though shamefully concealed from the Public, could not be long so. The two services not only at variance, but the one carrying on a siege in defiance of the other, and our fleet thereby exposed to ruin. A gallant General returned in the very moment of action, certainly not without cause, and yet from the wretched system of fanaticism no inquiry was to be made! Our success in the West Indies, so brilliant, so glorious to the country, was to be ascribed almost entirely to the unparalleled talents of the two brave Commanders, and he would take upon himself to say—to no merit of Ministers. They had been forced, slowly, unwillingly, by the public voice, to call forth these great talents. But their great abilities had given us the West Indies, and if the West Indies were considered as a valuable object, which he very much questioned, now was the time to procure the surrender and the possession of them all as the price of peace. Or had we other robbery and plunder in view—Farther conquests to achieve, in order to fix upon the minds of Frenchmen indelible impressions of enmity, and ascertain to England the afflicting inheritance of eternal war! The noble Lord concluded with an admonition to the House against the hasty praise which was demanded of a measure that in his mind was pregnant

with the moſt fatal conſequences. Had decent time been given for the conſideration of the ſubject, he would offer other objections to juſtify him for detaining their Lordſhips; but for thoſe he had already ſtated, he muſt give his negative to the motion.

The Earl of MANSFIELD expreſſed his impatience to deliver his opinion, and to give his complete approbation to the meaſure in diſcuſſion. Had ſuch a treaty been propoſed under ſuch circumſtances as the preſent, when he had the honour to fill a ſituation under His Majeſty, now ſo much better filled by the noble Lord (Grenville,) he would have given it his warmeſt ſupport. The meaſure, indeed, was a bold one—but it was, therefore, the better calculated to anſwer its purpoſe. The noble Marquis had wandered from the queſtion to general topics, into which he did not think it his duty to follow him; but with regard to the expreſſion, "Maritime Powers" he thought it was properly uſed, as Great Britain and Holland were the maritime powers contracting, as well as the powers whoſe marine principally protected the trade of the Allies on the ſeas. He could not ſay, what had been the opinion of the late Earl of Chatham reſpecting the ſubſidy granted to the King of Pruſſia in 1758, but he could not believe that it was a thing ſought for by that Monarch. He had the honour of being employed on the Continent at that time—and he well recollected the report generally believed then, that the King of Pruſſia did not want a ſubſidy, but that he cried to Britain, "Give me men—give me a fleet in the Baltic," and ſo far from deſiring the ſubſidy, the meaſure had originated in England, and was rather forced upon him. The noble Marquis's reaſoning about the want of an aſcertained and juſt object in the war, which had been ſaid had kept the honeſt part of the French from joining us, was taken from a pamphlet publiſhed by Mallet du Pan. This had often been urged as a great objection—but he thought it a very ſilly one, as the object of the war was both juſt, and clearly defined. It was juſt, as it aimed at the deſtruction of a ſyſtem which threatened to overturn all civil ſociety, and to promote rapine and plunder; it was defined, as it was declared to be, for the purpoſe of annihilating that ſyſtem, and reſtoring monarchy. As a means of promoting the ſucceſs of that object, he thought the preſent treaty a great and wiſe meaſure; and he thought it much better to connect ourſelves with a great power, and thereby enſure the [illegible] of its efforts, than to connect ourſelves with little powers, whoſe whole efforts muſt, perhaps, be very inconſiderable. The [illegible] of troops procured by this treaty, might indeed be repreſented [illegible]—but he begged their Lordſhips to recollect that [illegible] Ruſſians occaſioned the peace of Aix-la-Chapelle—

and there was no knowing what good effects might result from the co-operation of the Prussians, now ensured by this treaty. But it was said, the King of Prussia would not adhere to his agreements: in this his Lordship could not concur, for he hoped that Monarch would feel the necessity of good faith in a cause like the present. With regard to the asserted surprize of his Prussian Majesty at Great Britain's involving herself in the war, he should rather have expressed his surprise, that the French would have plunged into a war with Great Britain; for he always must maintain, that they not only provoked, but began it. The conquests in the West Indies he admitted to be highly valuable; and if this was an ordinary war brought on by aggression, he allowed, that the possession of the acquisitions in the West Indies might be sufficient indemnity; but in the present contest, he thought them a mere trifle, and that if he consented to make peace with the present rulers of France, because they made such a cession, he should deserve to have his head severed from his body; and that the Minister who would make such a peace, would purchase infamy, not honour—would bring us into danger rather than security: for if the present Government of France were allowed to exist, there could be no safety for any other Government in Europe. It was said of Cicero that his predictions were equal to prophecies—"*Predictiones esse quemadmodum divinationes,*" and perhaps that man would be entitled to the same praise who should predict the short-lived prosperity of that horrid system which now ravaged France; or at any rate, who should say that if it succeeded, no other country could be safe. It was a system of insurrection, of rapine, and disorder; and it is not vain boasting, but sound reason in those who possess power under it, to desire the destruction of established Governments, as they know that every well regulated Government must threaten their overthrow. If suffered to exist, the rulers of France will therefore endeavour to contaminate all surrounding nations with their principles, and by that means bring a pestilence upon them greater than any of those which have yet afflicted mankind. The old Government, even when animated by the most extravagant ambition, had always paid some regard to the happiness of the people; and the prosperity of the people had hitherto been thought necessary, for the support of ambitious projects; but the present French system made the wretchedness of the people its prime object, and for the destruction of that system, and those men who support it, he considered this war to be carried on, and the present treaty to be entered into; he should therefore give it his warmest support.

The Earl of LAUDERDALE said, the queſtion had become infinitely more intereſting by the language of the noble Viſcount (Earl of Mansfield) for according to him the object was moſt completely changed. He referred to their Lordſhips whether until now they had ever heard it openly avowed that we were fighting for a certain kind of internal Government in France? In the noble Secretary's correſpondence with M. Chauvelin—in the King's ſpeech at the commencement of hoſtilities—in our noble Miniſter's Declaration at the Hague—in all the State Papers which we had ever publiſhed, it had been ſtudiouſly declared that it was not our wiſh to interfere with the internal Government of France: now, however, that which a twelvemonth ago, no Miniſter would have dared to avow, was openly avowed, and was not denied by Miniſters. But even upon this new ſyſtem of carrying on the war, what ſecurity had we that the King of Pruſſia would fulfil his engagements? Judging by experience, he rather thought no dependence could be placed on him. On the 14th of July laſt, he entered into a treaty with us to make a common cauſe of the war, and to carry it on as long as we ſhould; but now he chuſes to break his contract, and that treaty becomes waſte paper. What ſecurity have we that he will not break his preſent contract? The ſpirit of liberty had again animated the people of Poland, and he wiſhed them every ſucceſs againſt that perfidious and rapacious Prince, the King of Pruſſia, whoſe conduct towards them merited the moſt ſevere reprobation. If then he ſhould find employment in Poland, this ſubſidiary treaty would be no better obſerved than that of laſt year was, and he will leave religion, humanity, and civil ſociety, to ſhift for themſelves; he will leave Roberſpierre to triumph, rather than endanger one atom of his plunder in that country. His Lordſhip obſerved, that the Dutch in this treaty had been a little more cautious than Britain. They had entered into it only for one year. They choſe to make the experiment, and to leave it to their own diſcretion whether it ſhould be renewed. But the Britiſh Government, with a forward profuſion, had deſpiſed ſuch precaution; and whether the experiment ſhould turn out to be good or bad, they bound themſelves by a ſeparate article to continue it during the whole war. The ſubſidy, however, that was to be paid to Pruſſia, great as it was, was not, he looked upon it, all that this country would have to pay. His Pruſſian Majeſty had indeed been well appriſed of our Quixotic diſpoſition, and had been the earlieſt in his application. But Auſtria might ſoon be expected to put in her claims. Previous to the commencement of the war, her finances were in the loweſt ſtate, occaſioned both by diſturbances in her own dominions, and a heavy

expensive war with the Turks, while the coffers of his Prussian Majesty were well known to be largely filled. If Austria, therefore, comes forward, and says, "I have borne the brunt of the war; I have fought most earnestly; I have freely expended my blood and money; I have done the greatest service, and I am the most in want of money. You have paid Prussia largely, though she has been of much less importance; I therefore desire to be paid also." If Austria should come forward in such a manner, can her pretensions to a subsidy be denied? Is she not the chief support of the confederacy? And if she threatens to witheraw, unless pecuniary aid is given her, must it not either be granted, or the war completely abandoned? Will not the extent of the sum, and the facility with which it has been given to the King of Prussia, encourage the Emperor to demand a subsidy also? But what is more serious, will not his necessities force him to it? Austria is so reduced, that she is obliged to have recourse to all the means of raising money employed by the Jacobins, and so much reprobated in this country;—pillaging the churches—melting plate—and making what she called loans in every country of Europe. Even here she was trying a loan; and thus the whole war was to be maintained by British capital. The object of the war, as declared that night, his Lordship considered to be, if not completely unattainable, at least highly arduous and difficult, for it amounted to nothing less than the conquest of France. And what better prospect had we this year than we had last? The present prospect in fact, held out far less hopes of success. At the commencement of the last campaign, the strength of Britain, Holland, Spain, and the greatest part of Germany was untried, and certainly unbroken. A powerful body of Royalists were making a most formidable head in La Vendee, of whose success great expectations were formed, and France itself was then torn by factions. Parties were daily accusing those in power, and bringing them to the scaffold, while they themselves succeeded to that power. But what was the situation at the opening of this campaign? The strength of all the allied powers was considerably wasted, and, as appeared by the measure now under consideration, some of the principals were incapable of longer maintaining the contest. The insurgents in La Vendee were annihilated; the ruling party in Paris appeared to possess the confidence of the people, and certainly possessed vigour and authority; and, instead of any new faction supplanting that which was in power, we find the Government strong enough to bring those to the scaffold who oppose them. Such was the hopelessness of the prospect compared with the opening of the last campaign; and it would seem that the cause becomes desperate,

in the same proportion as the allies desert it. We are to go greater lengths, and it was not the least dejecting circumstance, that we were this day told from one of His Majesty's Ministers, that 30,000 men were not to be procured for money in any other part of Europe than in Prussia. His Lordship computed the other German troops in the pay of Great Britain, besides those of the King of Prussia, to be about 40,000, and taking them to be paid at the same rate, the whole sum would amount to about three millions per ann. To pay so largely for restoring Louis XVII. and the old French Government, was very extraordinary, when it was an unquestionable fact, that all historians, writers, and statesmen, had always complained that this country could not preserve peace on account of its intrigues. But although we had been in the most perfect peace and the greatest prosperity three years, while the new Goverment had existed, yet now we were told, what had before been asserted by a noble Lord (Auckland) in his Memorial presented to the States General the 23d of January, 1793, that we were making war to destroy certain miscreants, assuming the name of Philosophers, who have presumed to think themselves capable of establishing a new system of civil society. Such was the language now held. The new Government, which had suffered us to be in peace and prosperity, was to be destroyed; and the old Government, which had continually involved us in broils and expence, to be restored. The noble Lord (Grenville) had said, that France was not spending her ordinary revenue in carrying on the war, but was exhausting her capital; but was not Great Britain doing the same, though perhaps in a smaller degree? Could it be pretended that the enormous expences of the present war, and such lavish gifts as that now in discussion, could be provided for out of our ordinary revenues? It was also said, Frenchmen were dragged against their will into the armies. This he thought highly improbable, when he looked at the courage and enthusiasm with which they fought. As to the distress in France occasioned by the numerous levies, he believed it to be much less than it was represented; while in this country he knew the distress produced by the war to be much greater than was commonly admitted. Our manufactures in particular have been greatly injured. To his knowledge, a Justice of the Peace, in a manufacturing town, had attested 23,000 men since the war began, and another Justice, in another town, had attested nearly 12,000. Could these instances be paralleled in any preceding war? These were proofs that our wealth and prosperity were dreadfully suffering by the present contest. His Lordship concluded by observing, that it would be much better to make peace than subsidise the King of

Pruſſia, and that if it was true, as he believed it was, and as it indeed evidently appeared, that the people of Britain were ſtrongly attached to their Conſtitution and Government, there could be no danger to this country from the eſtabliſhment of the new Government of France, which inſtead of holding out any thing ſeductive, diſplayed at preſent, and it was ſaid by the friends of the war, always would diſplay, nothing but accumulated horrors. There would be no danger, therefore, that Engliſhmen would be deſirous of imitating a ſyſtem of horrors; and upon that ground he ſhould oppoſe the preſent addreſs, as it would bring upon the country a great expence for an object which appeared to be both unattainable and undeſerving of ſupport.

Lord HAWKESBURY ſaid, the noble Earl had ſurely made a miſtake in imputing to Miniſters that the object of the war was changed. Until the French wantonly attacked us we did not interfere, and the object of the war had been all along, and was then chiefly, and indeed almoſt ſimply, ſecurity. Security was the great aim, though indemnity alſo we were entitled to, agreeable to all the writers on the ſubject of the war and its rights. This ſecurity, he ſaid, we could not obtain under the preſent ſtate of France, where one man, unknown in the world until four years ago, carried on the moſt unexampled tyranny in the name of two Committees—where no law, no meaſure, no ſafety, was to be found—where their aſſembly was reduced from 745 to 200, and even among this remnant of the Convention, there had not been for months a ſingle debate; proving thereby to all the world that their fears took from them all deliberative functions.—From ſuch a country we could have no ſecurity. But what were our hopes of ſucceſs in putting an end to this cruel anarchy? That living as they were on their capital, not like England in any degree, but altogether and at once waſting the whole, he foreſaw that it muſt end—he could not predict the time, but he fancied let that come when it might, it would be ſudden. It would be an exploſion, and would break up at once. Whenever this ſhould happen, it certainly was not for us to dictate the ſort of Government that it would be wiſe for us to eſtabliſh there; but after ſuch a convulſion, and after tearing up all the eſtabliſhments—all the foundations of ſociety—all the revenues—and putting the whole machine into ſuch total confuſion, it was obvious that there muſt be erected in France a very ſtrong Executive Government, but that was of no conſequence to this country. This was a war of ſelf-preſervation; and upon that principle it was that he defended the preſent treaty. It was not the amount of the ſum which their Lordſhips ought to conſider, ſo much as the object to which it was applied. If

it was economically and properly applied, their Lordſhips ought to be perfectly ſatisfied. The moſt likely way of ſpeedily putting an end to the preſent war was, by employing all the reſources of the country, in conjunction with our allies, in order to act againſt the common enemy. His Lordſhip aſked, if it was poſſible to hire troops at a cheaper rate, or troops that were likely to fight better in the field? He thought it was perfectly evident, that an army of 62,000 Pruſſians was more likely to act with proper energy and effect, than an army to the ſame amount, collected from all the petty States of Germany. It had been ſaid, the revenue of this country was greatly exhauſted, and daily diminiſhing. His Lordſhip ſaid, he believed, if he was wrong he deſired he might be corrected, that the revenue of the laſt quarter, ending the 5th of April, was greater than the revenue of any quarter, that ever occurred in the hiſtory of this country; and he was perfectly perſuaded that in a very ſhort time, the revenue of this country would far exceed the revenue of any former period. This country, therefore, in point of finances, was not at all in ſo unfavourable a ſituation as had been repreſented by ſome noble Lords.

Lord AUCKLAND ſaid, that the noble Earl (Lauderdale) had alluded to an expreſſion in a Memorial preſented by him to the States General. He would beg leave to read the whole of the paſſage. His Lordſhip then read a paſſage from the Memorial, by which it appeared, that the term *Miſcreants* was applied to thoſe ſpeculatiſts of France calling themſelves Philoſophers, who had preſumed to think themſelves capable of eſtabliſhing a new ſyſtem of civil ſociety. By this remark, he ſaid, he meant Condorcet, Briſſot, Petion, Sieyes, and others of that deſcription. Theſe Revolutioniſts, wild enthuſiaſts, devoid of duty to the Supreme Being, loſt to every principle of religion and morality, and who endeavoured to ſpread their deſtructive doctrines in every kingdom throughout Europe, had been ſucceeded by the ſtill more deſperate and abandoned ruffians who domineered in France at preſent. From theſe *data* his Lordſhip drew a concluſion, that ſuch a conduct ought to be vigorouſly oppoſed by every well-regulated ſociety. To complete their infamy, they had, without provocation, invaded Holland, our natural ally, and declared war againſt England. To defend our rights, and to humble this execrable Convention, with Roberſpierre at their head, was the avowed purport of the treaty, and the ſubſidiary allowance to the King of Pruſſia. In point of economy, his Lordſhip aſſerted, the bargain was a very good one, as it only [illegible]ed to about 3l. per man per month, which was leſs than men [illegible] procured for in any other part of Europe. Several noble

Lords had doubted whether in the present instance we ought to repose confidence in the King of Prussia. His Lordship said, that Prince had never deserted the empire. He had always observed his treaties with the Emperor. He had never failed in the performance of any treaties he had entered into with this country or with Holland, and, therefore, he conceived there was no ground to suspect the good faith of the King of Prussia. He said he had corresponded daily, and he might say, hourly, with the Ministers of Prussia in times of difficulty, and thought them superior in point of wisdom, ability, and integrity, to all men upon earth. He concluded with acknowledging himself to be one of those who thought that no peace could be made with France while the present Government existed in that country; it was with respect to them a war *usque ad internecionem.*

The Duke of PORTLAND said, that after the very able manner in which all the objections to the measure now before their Lordships had been answered by his noble friend (Earl of Mansfield) he rose only to say, that it was a measure in which, if he had had the honour of being one of His Majesty's Ministers, he should have been proud to avow his share. It was not to be estimated by the quantum of subsidy to be paid, but by its importance, to effect the destruction and annihilation of that system, which, while it existed, left no room to hope for security. He approved of the treaties both in a political and pecuniary point of view, and desired to be considered as much a party to this particular measure as any man concerned in it.

Lord GRENVILLE said, that all the collateral matter introduced into the debate had been so completely answered, he should only weaken the force of the arguments of other noble Lords, by attempting to add to them. He should only observe on the variety of topics which had no immediate connection with the subject under consideration, that their sole tendency was to represent the resources of the country as totally exhausted, and to terrify the minds of the people. If it were true, as certain noble Lords assumed, that the resources of the country were on the point of being exhausted, even this would be no argument against making one vast and desperate effort, which we had still the power of making, rather than tamely submit to ruin. "If," said Lord Grenville, "the nation is involved in such imminent danger as the noble Marquis and the noble Earl have positively asserted it is, it then becomes every rank of men to join their efforts, in order to make one last effort to retrieve our honour (which I contend is not sullied), and to preserve our independency as a free nation."

A noble Lord (Lauderdale) admitted that the present Government of France was detestable; that the noble Lord was obliged to admit; for it must be the opinion of every man, that the power of Government now exercised in France was a tyranny more detestable than the tyranny of Caligula or Nero—a tissue of parricides and of crimes. Could such a Government be stable? Every lesson of history, every principle of morality, taught that it could not. Cruelty might beget offences, and offences cruelty, for a season; but the period must soon arrive, when the whole nefarious system must be precipitated into that ruin to which its principles and its practice inevitably tended. On the object of the war, the language of Ministers had been always uniform—that it was a war for security; not undertaken until we were attacked; and that our only security was the destruction of that system which had brought us into danger. A noble Marquis (Lansdowne) admitted that we had obtained glorious conquests; but what was the effect of these on the noble Marquis's mind? A desire to separate the glory of the officers who commanded from that of the Government who employed them. He knew not what the feelings of the noble Marquis might be; but Ministers would never separate from their own, the cause of officers who had stept forward with zeal in the service of their country, and on whose ability and valour no man would bestow warmer praise than he. Notwithstanding our very great successes in Asia, the West Indies, and more particularly on that part of the Continent which was the grand theatre of the war, attempts had been made to impress the Public with ideas of despondency, as if we and our allies were unequal to the contest in which we were engaged. Every succeeding event, however, served more and more to prove the contrary. But were he one of those who thought most humbly of our power and our resources, as a lover of order, religion, and government, instead of submitting to the enemy, he would wish for a last desperate effort to exterminate a system so pregnant with misery and ruin.

The Earl of LAUDERDALE said, the noble Lord had triumphantly declined attempting to answer arguments as completely answered before, which one noble Lord had said he would not enter into, and another noble Lord had said he would not touch upon, because his noble friend had left nothing to say. If the breach of the first solemn treaty with the King of Prussia, in July, 1793, was adduced to shew there was no confidence to be placed in any future treaty, the answer was ready—namely, the French nation was irreligious, immoral, and dangerous to society. This was the answer to all the other truths, which Administration themselves

were obliged, although reluctantly, to acknowledge. The noble Lord might indulge his triumph, but on one point he should never display his eloquence in that House, without receiving an answer. The noble Lord had mentioned his expressions of detestation of the present French Government, in a manner to convey an idea that he wished to withhold those expressions. What authority had the noble Lord to surmise that he was not as sincere as himself in what he said on that subject? Were such insinuations thrown out to countenance the calumnies which his lower hirelings were daily circulating—

The Marquis TOWNSHEND spoke to order. Such expressions, applied to any Member of that House, were unwarrantable.

The Earl of LAUDERDALE said, he should be extremely sorry if the words he had used could be understood as meant to be applied to any Member of that House; but he was not disorderly in saying that Ministers employed hirelings, or at least, if he was, he had to plead the example of much stronger language held in that House on many former occasions. It was impossible to suppose that he could mean to say that any Member of that House was so employed. No noble Lord in that House, or out of it, should dare to calumniate him without the proper animadversion. His meaning was, and could only be, that insinuations thrown out in that House, if not immediately repelled, might give a colour to calumnies disseminated elsewhere. That Administration had hirelings out of the House, he was not singular in believing, and every day furnished sufficient reason to encourage that belief. The noble Lord had made use of one argument as extraordinary as unexpected from such a quarter. He had said that it was wise to make one desperate effort. This was desperate language from Ministers, and they ought well to consider whether or not the public ear was yet attuned to it. Would they, who ought to be the last to undervalue the resources of the country, put our all on the hazard of one desperate effort?

Lord GRENVILLE said, it was almost unnecessary for him to explain that what he had said amounted only to this, that all the arguments of noble Lords against the present measure were founded on a supposition that the resources of the country were on the point of being exhausted, a supposition which he by no means admitted to be true; but taking it even on their representation, still it would be more becoming the character of Englishmen to make one desperate effort, than to lie down and die. When he turned his view to the East or West Indies, and more especially to what had been atchieved by the valour of the illustrious Prince who commanded our ar-

mies in the more important theatre of the war, he ſaw much ground for hope, but none for deſpair. It was not, he ſaid, probable, at a moment when ſuccefs crowned our arms in the Eaſt and in the Weſt, when daily advices were arriving from that illuſtrious Prince who had the care of our affairs on the Continent, of his brilliant ſucceſſes, that he ſhould have made ſo deplorable a ſtatement, as that this was our laſt hope, or our laſt effort.

The Houſe then divided,

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The Lords with white ſtaves were ordered to wait upon His Majeſty, to know when he would receive the addreſs.

The Houſe adjourned.

Thurſday, 1ſt May.

The farther examination of evidence on the African ſlave trade, which ſtood for this day, was, on the motion of his Royal Highneſs the Duke of Clarence, poſtponed till Tueſday next.

The Houſe adjourned.

Friday, 2d May.

The order of the day being read, for the ſecond reading of the bill for prohibiting the exportation of ſlaves in Britiſh bottoms to foreign Weſt-India iſlands,

Lord ABINGDON ſaid, I riſe to trouble your Lordſhips with a few obſervations in oppoſition to the principles of this bill, purporting to be, as it is, " a bill for aboliſhing the trade carried on " for ſupplying foreign territories with ſlaves."

And having already, upon a former occaſion, incontrovertibly ſhewn and demonſtratively proved to your Lordſhips, beyond the reach even of ſophiſtry to diſpute, or argument to deny, that this propoſition, namely, that for the abolition of the ſlave trade, is a French propoſition ; that it is grounded in and founded upon French principles ; that it means neither more nor leſs, nor other, than *Liberty and Equality* ; that it has Thomas Paine's *Rights of Man* for its chief and beſt ſupport ; that its origin in this country, I mean its parliamentary origin, was in conſequence of correſpondences held by individual Members of Parliament here with individuals of the National Convention of France, and by the intercourſe of exiſting

clubs in both countries; that by being carried into effect in France (whilst we are *pari passu* following the same system and example,) it has had in the colonies of France all the direful effects deducible out of, and necessarily flowing from, such principles, namely, those of subordination, anarchy, confusion, murder, havock, devastation, and ruin—I say, my Lords, having laid these plain truths before your Lordships, it is not my design here to press this ground of objection any farther; and yet before I leave this topic of argument, may I be permitted to appeal to the House—may I be allowed to address myself to the Right Reverend Bench of Bishops, and in particular to the Right Reverend Prelate whose mind has been so readily made up upon this occasion, and to ask him, whether he has ever seriously applied these considerations to this subject, and has viewed it in the light in which it is here placed? And if he has, will he say, that he does not find in it that spirit of novelty and innovation which are the characteristic marks of the present times? Will he say, that he does not see a strong affinity and relationship between this proposition for the abolition of the slave trade, and those other propositions of reform which the new philosophy of the age are now so loudly calling out for? Does he believe from his heart, that the freedom of negroes in Africa and the West Indies is the real motive of this proposition, and that there are not other reasons less remote and much nigher home upon which it has its foundation and bottom? In a word, cannot the Right Reverend Prelate, with his microscopic eye (for, as a man of science, a microscopic eye he must have,) perceive in this proposition seeds of other abolitions different and distinct from that which it professes, and which may not, sooner or later grow up to the downfall even of that very Bench on which he and his brethren now sit so much at their ease in this House? But here I leave these reflections to that consideration of them which their importance might seem to require. And now the next ground of objection to the principle of this bill is of a more immediate and direct nature, nor by inference, nor by *inuendo*, nor by deduction of argument, but drily, plainly, simply and unequivocally this—that it is in open violation and avowed subversion of one of the three leading and fundamental principles of the Constitution of this country. What these principles are, every body knows, or at least ought to know, though I fear they are not so well understood or attended to as they ought to be. True it is, that the Constitution of this country is, as it is said, in *ore omnium*, but more truly in *mente nullius*; talked of by all, but in the understanding of none. But be this as it may, the Constitution is still the same, and these its leading and fundamental principles, being

" the right of perſonal ſecurity, the right of perſonal liberty, and " the right of private property." I ſay, that this propoſition for the abolition of the ſlave trade is in open violation and avowed ſubverſion of one of theſe three fundamental principles, namely, that of the right of private property, a right ſo ſacred, that as a late venerable and learned law Lord of this Houſe once affirmed of the repreſentation of this country, that there was not a blade of graſs in it that was not repreſented, ſo, with the ſame emphatic truth, may it be here ſaid, that there is not a blade of graſs in or out of this country appertaining to it that is not the immediate ſubject of the inviolability of this right. And yet, what is the propoſition? Under this conſtitutional right of this country, 70,000,000l. of private property veſted in the Weſt-Indies alone, not to ſpeak of the immenſe profit of the trade itſelf, ſanctioned in its uſe and enjoyment for a period of two hundred and thirty odd years, and thus ſupported by the preſcriptive right of the common law of the land, and not only ſupported by the preſcriptive right of the common law of the land, but guaranteed by divers and repeated acts of Parliament, is, what? is now, by a few ſilly words in a ſilly act of Parliament, not only to be violated, but to be put to the riſk and hazard of total annihilation and deſtruction. And for what? will any body ſpeak out and tell me? Is it to obtain the votes and intereſt of any deſcription of men in this country, in order to ſecure the ſeats of individual Members in another Houſe of Parliament? Is this poſſible? But if it be, what do the owners of this property ſay, what does the Conſtitution ſay, what muſt the nation at large even ſay? All ſufferers in degree, muſt they not ſay, as the frogs did to the ſchool-boys in the fable, who were pelting them with ſtones, " this is ſport to you, my boys, but remember it is " death to us." But be the cauſe what it may, is it an act of juſtice? Who will ſay ſo? Why then it is an act of injuſtice. And ſhall this Houſe (the dernier reſort of juſtice) ſanctify an act of injuſtice? But if it did, what is to be the compenſation? What the *quid pro quo*? Is it reſtitution, or reparation for the damage to be ſuſtained? No, no, no ſuch thing. What then? Is it any thing ſolid or ſubſtantial? Not that either; but it is a non-entity; it is that which the Metaphyſicans call an *ens rationis*, a mere abſtract term in moral philoſophy called humanity, and which, *vi termini*, is to balance the whole of this great and enormous account. But here again, leaving theſe reflections to your Lordſhips' conſideration, I ſhall now ſtate one other objection, and one objection only; and that is not to the principle of the bill, but to the bill itſelf; and that in a few words, and which objection is this, that

of all the indecent bills that ever were brought up to this House, this appears to me to be the most indecent: for what is the case? The resolution of your Lordships upon this business, I think, is in these words:

"Ordered,

"This House do forthwith proceed to inquire into the present state of the trade to Africa, and particularly the trade in slaves; and also into the nature, extent and importance of the sugar, coffee and cotton trade, and into the general state and condition of the West-India islands, and the means of improving the same."

And now, what is this bill? In total disregard of this resolution, pending the inquiry that has been instituted, before that inquiry is one-half finished, and of course before all your Lordships' minds at least are made up upon this very question, here comes a bill anticipating our deliberations, and calling upon us to do that which at best our judgements are not ripe to perform. Now, my Lords, what motive the other House of Parliament might have for this procedure, it is unnecessary for me to inquire into; but this I know, that they have no right to dictate to us. Let them mind their own business, and we will take care of ours; and in the rejection of this bill, which I shall cordially do, be it remembered, that this will not be the first time, even within my memory, that this country and this Constitution have been saved by this House from the rash and intemperate measures of the other.

Lord GRENVILLE differed with the noble Earl, and held the same opinion he had always given on this subject. On the present bill he would say a few words, before he made the motion with which he meant to conclude. He vindicated the proceedings of the House of Commons; and thinking the abolition of the slave trade a subject of the utmost importance, he allowed that every necessary inquiry should be made on it; and at the same time not as a matter of expediency or humanity, but a duty on that House. He thought that inquiry ought to be as eagerly and speedily gone into as possible, that their Lordships might have it in their power to come to a final decision upon it. The object of the present bill went only to a partial remedy in a particular branch of the trade, so that whatever way it was decided, it would have little or no effect in ultimately determining the question of abolition; therefore, hoping and wishing that the progress of the inquiry in future might not be so much retarded as it had been, and willing at the same time that every necessary information might be received, he would move, "That the second reading of this bill be postponed till that day three months."

The Bishop of ROCHESTER agreed with the noble Secretary of State; but lest he should be accused of inconsistency, thought it his duty to say something before he gave his vote in the way he meant to do. His reason for not particularly objecting to the bill, and for agreeing with the present motion, was, that it only affected the foreign carrying trade, and therefore from the difference between the state of the West-India islands now, and before the war, it would prove nugatory. The island of St. Domingo, particularly, was now in the hands of the Spaniards and British only; so if it was intended to evade this bill, it would only be necessary to land the slaves on the parts of the islands in our own hands, and thus the bill would have no effect.

The Duke of CLARENCE made a short speech in favour of the motion, and stated generally his objections to the abolition of the slave trade.

Earl STANHOPE replied to the noble Lords who had preceded him, accusing each of inconsistency by the arguments they had used that day, when compared to their former opinions declared in that House.

The Bishop of Rochester, Lord Grenville, and the Earl of Abingdon, said each a few words in reply.

The Earl of LAUDERDALE made an animated speech against the motion. He contended strongly that the Secretary of State and the reverend Prelate were converts from their former opinions, without giving any argument or stating any ground for this sudden change. He trusted, as on this occasion, so they would on the general question, become converts, and see the impropriety of abolishing a trade in which the property of so many was engaged to such an extent, legally, and with the sanction of Parliament, for so long a period.

The question being put, there appeared, for the motion,

Contents, 45; Not contents, 4. Majority, 41.

The order being read for the House to go into a Committee on Howard's Divorce bill,

The Duke of BEDFORD said, that before going into the Committee, he wished to address their Lordships for a few minutes.—Since the last night when this bill was under discussion, he had authority from Lady Elizabeth Bellasyse and her friends to state, that it was not her wish to accept of so much as the House in their wisdom had been pleased to grant her, by a clause of the bill which he had moved. The clause was, that the lady be allowed 7000l. and an annuity of 250l. She wished to decline the annuity, and trusted their Lordships would allow the 7000l. to be paid her, chargeable

only with ſuch debts as ſhe may have contracted ſince the 24th of July laſt. It was therefore his intention in the Committee to propoſe a clauſe to this effect. Before he ſat down, he was happy in having the opportunity of ſo full an attendance to declare, that in every thing connected with this bill, where he had taken any part or ſpoken, he never had meant, but ſtudiouſly avoided every thing that could poſſibly be conſtrued into any inſinuation or alluſion in the leaſt reflecting upon Mr. Howard, becauſe he knew that none ſuch could be juſtified by that honourable gentleman's conduct.

The Houſe then reſolved into a Committee, the Earl of Suffolk in the chair.

The Duke of Bedford brought up his clauſe.

The Duke of NORFOLK ſaid, that the clauſe propoſed for this allowance to the lady on a former night was at a late hour.—He underſtood the judgement of the Houſe to have proceeded upon the noble Duke's having ſtated that this was an extraordinary caſe, and for that reaſon entitled to the indulgence of the Houſe. This he conceived to be injuſtice to Mr. Howard, and more particularly becauſe not only in that Houſe, but in the world at large, an idea had gone abroad that the marriage was contracted againſt the lady's conſent and inclination, and this with the knowledge of Mr. Howard. If he could have been guilty of any thing ſo improper and cruel, he certainly merited the misfortunes he had met with; but, in his vindication, he could prove to the Committee, from documents in his hands, that this was not true.

Lord AUCKLAND ſpoke to order; he conceived that the two noble Dukes were likely to get into a diſcuſſion of family differences; and thought it ſo extremely indelicate, that if the noble Duke perſiſted in wiſhing to read letters which he had alluded to, he muſt move to clear the Houſe; he likewiſe muſt ſay, that though entirely unacquainted with all the parties, he had paid conſtant and particular attention to this unfortunate affair, and could not throughout find that any implication of blame had been laid to Mr. Howard's charge.

The LORD CHANCELLOR ſpoke to the ſame effect, and recommended it to the noble Duke not to read the letters.

The Duke of NORFOLK ſaid, he meant to oppoſe the clauſe, and therefore it was neceſſary to vindicate Mr. Howard, becauſe the allowance propoſed had been acceded to by the Houſe upon the grounds he had ſtated before. He could not ſee ſo much indelicacy in reading to their Lordſhips, evidence that had been brought forward in an open Court of Law, and given in public reports afterwards; and when a man's property was to be taken from him with-

out his confent, it was certainly unfair not to allow his vindication to be heard. He was proceeding to ftate fome particulars about the lady's fortune, and to read the letters, when

Lord AUCKLAND thought all fathers of families felt the fame delicacy as he did in fuch cafes as this, and moved, "that the Houfe be cleared." Strangers were not re-admitted.

The bill went through the Committee, and was ordered to be read a third time.

The emigrant corps bill was read a fecond time; and, upon a motion that it be committed on Monday next, Earl Stanhope oppofed the commitment. The Houfe divided for committing,

Contents, 24, not contents, 1. Majority, 23.

Tuefday, 5th May.

When their Lordfhips had returned from the trial of Warren Haftings, Efq. a meffage was fent to inform the Commons, that they would proceed farther in the trial to-morrow.

Lord GRENVILLE moved the order of the day, for their Lordfhips to refolve into a Committee upon the emigrant corps bill.

The Earl of LAUDERDALE rofe, and made a few objections to the indecent manner in which a bill of fo much importance had been hurried through the Houfe: for the prefent, he would content himfelf with making this obfervation, but would referve himfelf to fpeak at large on the bill when he had heard Minifters deliver their fentiments, as he hoped, that in a point of fo much importance they would explain at large to the Houfe the principles upon which the bill was founded.

Lord GRENVILLE replied, that the bill fpoke for itfelf, and required no arguments to fupport its juftice, but thofe of which the nation at large were in full poffeffion already. The meafure was not new, nor was there, in his opinion, any thing which required explanation, their Lordfhips had the bill in print before them; but if any noble Lord was of opinion that he faw any thing objectionable in it, he was ready to explain it.

The Earl of ALBEMARLE, acknowledging the feeblenefs of his abilities, and how inadequate he was to the tafk of going through the claufes, yet thought it was his duty to give his reafons for voting againft the bill, as he intended to do. In the firft place, he confidered the war in which we were engaged as an unjuft one on our part, and that the prefent bill, inftead of advancing us to the moft defirable of all objects, peace, would remove us farther from it. To employ foreigners he held incompatible with the fpirit of

our Constitution, especially when those foreigners were to take an active part in this kingdom. He said, they were not to be depended upon, and that it would add to the animosity of France, inasmuch as to urge them on to put to death every one of those armed emigrants that might fall into their hands. He condemned the clause which made the existence of a foreign legion permanent in this country to the end of the war. The eyes of the country, his Lordship said, began to be opened; the people looked for peace, and, he trusted, before it was too late, that the voice of the nation would compel His Majesty's Ministers to procure peace. For these reasons, his Lordship, after apologizing for occupying so much of the patience of the House, declared, that he would vote against the bill being committed.

Lord HAWKESBURY entered pretty much at large into the merits of the bill. He said it was founded in justice, and supported by reason. The persons to be employed on this occasion were men who must be true to the cause in which they were engaged to fight; for their property and their happiness were at stake. He did not conceive that France would dare to put to death any emigrant enlisted in the British service, and who had fled and not subscribed to the Jacobin Government of that distracted country. If she did, she must know that retaliation would follow; and from the number of prisoners in possession of the combined powers, the scene of bloodshed must be great, and would lie at their door. He entertained no apprehension on this account; and from all which he could collect, it was pretty evident that when the people of France knew that the object of the present war was to destroy the present Government of that nation, if a Government it could be called, there was very little doubt of numbers flying to the standard that was to annihilate this horrid hydra of despotism. It might be said, what system, if we were successful, was to be adopted? The answer to this was a plain one, that which under the existing circumstances of the case might be found most prudent; and he was proud to say, a monarchical system, properly modulated, was the best. The present bill did not interfere with the Alien bill; by the latter, emigrants were interdicted from approaching within ten miles of the sea coast, and this was highly requisite, as amongst those who sought our protection there no doubt were a number of spies and seditious persons. By the emigrant corps bill, the troops thus raised were under the military laws of this country, and interdicted, except on some pressing occasion, to come farther into this country than five miles from the sea coast. Their station was to be at Guernsey or Jersey, or on the Continent, as occasion might require. They were to receive

British pay, but there was no half pay to the officers. It was impossible, the noble Lord said, for any fears to be entertained from a force that consisted of only 5000 men, even if they were disposed to act hostilely against us. Upon the whole, he conceived that there never was a more fair, just, equitable or constitutional bill than the present.

The Earl of THANET requested the indulgence of the House to make a few observations: he was surprised that the principle of humanity was urged in favour of a measure, which he was convinced would lead to ferociousness and cruelty. By the principle of this bill His Majesty was empowered to enlist as many foreigners as he thought fit; and it amazed him much, that the Commons, who held the purse of the nation, should have acquiesced in such an alarming measure. It was now well understood, that the allies wished to restore the old detestable monarchy in that country, and we selected the agents of that despotism by this bill, for the purpose of facilitating its restoration. This was a circumstance that would render these unfortunate men abhorrent in the eyes of their countrymen, and would excite that ferocity to which his noble friend had adverted. It would be attended with the certain destruction of those wretched people, who had thrown themselves upon our protection. The bill, he contended, was an unconstitutional one, and extremely dangerous; for these very 5000 men might possess themselves of the only fortified place in England, namely, Portsmouth, and become masters of all our fleet. He did expect that His Majesty's Ministers would have the proper and respectful decency due to the House, to have stated the principles of the bill, and adduced those arguments which urged them to adopt it: but not one word was said from those who were the advisers of the measure. It was therefore his intention to vote against it.

Lord LAUDERDALE was concerned to hear the measure defended by Ministers on the narrow ground of its being a mere act of charity. In whatever point he viewed the bill it had his most hearty negative. It had been now avowed, that the war was prosecuted for the purpose of overturning the present existing Government of France, but the noble Lord declared, that Ministers had not fixed on giving the French any other in return: this, in his mind, was the most extraordinary mode he had ever heard of producing order and tranquillity. Thus had Ministers, after repeatedly shifting their grounds, now ventured to assert their specific object, which was equally singular, strange, and absurd, as all their former declarations. He was not surprised to have heard the noble Lord (Hawkesbury) dwell upon the excellence of these troops, when he

recollected what had been asserted on a former night, that the Prussian mercenaries were preferable to those of various petty German Princes, among whom there could be no harmony. But he was of opinion, that it would have been much better to have applied to the Continent for troops, rather than enlist those who must excite animosity, and prolong the war, if the French were even disposed for peace. His Lordship was of opinion, that these men could not consistently take the oath prescribed, as many of them had taken the oath in France administered by the Constituent Assembly. He asked, did the noble Lord suppose that the conversation in the House this night could have any effect on the National Convention of France? Who was there would promise security to those unfortunate men, if taken prisoners? As long as men were influenced by their passions and interests, those men, many of whom composed the Nobles of that country, could not hope for favour. Every man who remained in France was in a better situation, and had better prospects than he had before the revolution, and they must look upon those emigrants with a jealous eye, of whose lands they were in possession, if they attempted to engage in the war against their country. There was another question deserving of consideration, which he by no means conceived an abstract principle, and this was the sentiments our troops were likely to imbibe, by serving in conjunction with men possessing those despotic principles so repugnant to the feelings of freemen, and the liberties of Britons. Much had been said in reprobation of France; but Government should reflect, that it has had recourse to clubs to support its own measures; and in the Alien bill, the French Finance bill, and others, they imitated the conduct of those whom they reprehend. For these reasons, he would object to the present bill; he would object to every measure that makes war more ferocious than it is; and he was convinced that the language of the noble Lord, which declared that Ministers had for their object, to overturn the present Government of France, was calculated to make that country still more unanimous than it was at present.

Lord AUCKLAND defended the bill. He said, that the nature of the war in which we were engaged, required that we should exert every means in our power in order to carry it on with vigour. The emigrants whom it was proposed to embody, had been driven out of their country by the persecutions of the Government: they must feel the utmost anxiety for the re-establishment of something like a regular Government. He was therefore much at a loss to conceive why we were not to make use of the assistance of those men in the war which we were now carrying on. It was hard that these

unfortunate men ſhould be ſuſpected: their whole conduct, their eagerneſs to take the field and redreſs their country's wrongs, ought, in his opinion, to have ſkreened them from ſuch imputations. He denied that the preſent meaſure would add to the ferociouſneſs of war. All that this country pledged itſelf to was, to pull down the ſyſtem that prevails in France, for with reſpect to the object of the war, he entirely agreed with the noble Lord (Hawkeſbury,) that no ſecurity could be obtained while ſuch a Government as the preſent exiſted in that country. This was a diſtinct object; but as to what was to follow, that was not a ſubject at preſent before the Houſe. He reprobated the Convention; and compared Roberſpierre to the mock Miniſter in Gil Blas.

The Earl of MANSFIELD maintained the juſtice of the preſent war, and the prudence of the preſent meaſure, as one of the means of carrying it on. He denied that it was to be found in any book of authority on the Law of Nations, that one country ſhould not interfere with the internal Government of another, at a time when they were at war, the more eſpecially, as in this caſe, where the enemy had avowed a determination to deſtroy yours. We had a right, in this caſe, to interfere with that country, to enter into the heart of it, and to give the enemy the deepeſt wound. He defended the preſent meaſure as being conducive to this end, and likely to bring the war to a concluſion. He drew a picture of France, as it was under its monarchical Government; contraſted the happineſs and the liberty the people then enjoyed, with the deſpotiſm, anarchy, murder, and robbery that now deſolated that country, and plundered and maſſacred its inhabitants. The Republican ſyſtem was ſaid to be with the conſent of twenty-four millions of peoble; but this carried falſehood on the face of it. If all conſented to this new-fangled Conſtitution, how did it happen that ſuch numbers ſhould be guillotined, and ſo many impriſoned for diſapproving of it? Were the people of La Vendee among thoſe twenty-four millions? Were the Toulonefe, and the inhabitants of various other provinces within that deſcription? Theſe were idle aſſertions, and he could take upon him, from every exiſting circumſtance, to ſay, ſuch was the ſtate of France at preſent, that when the Royal ſtandard was propetly raiſed, thouſands and thouſands would flock to it. He ſaid very little reliance was to be placed on the popular frenzy of the multitude there; it was this day for Danton, the next for Roberſpierre; and one Republican villain followed the other to the ſcaffold. Here, he ſaid, he could not omit ſtating what Anthony ſaid to the young Octavius: "Young man, place no reliance on popularity, the voice of the multitude is changeable, it may be for you to day, and againſt

you to morrow." Thus it is in France. What is right this hour, is wrong the next, and the idol of Monday is guillotined on Tuesday. His Lordship gave a high character of that celebrated old man, M. de Malsherbes, lately put to death at the age of 74, a man whose name was venerated, and on whose character the breath of slander had never even whispered a reproach. Such were the acts of a set of miscreants, whose cause some noble Lords espoused, a Convention of desperadoes who threatened destruction to all civil Government. They were in their minds wild beasts, and if we could not tame them, it was our interest to hunt them down. He concluded with a quotation from the opinion of Dumourier, signifying that if the other powers of Europe did not prevent France from establishing a Republic, they would be all in danger from its example.

The Duke of BEDFORD declared, when he first saw the bill, that he was surprised at its principle, and astonished at its contents. He, of course, supposed that some Member of Administration would explain to him the reason why it was brought forward, and the expectations they had formed of its success. The noble Lord who had spoken last did not proceed to defend the measure, for that were a difficult task, but contented himself, with animadverting on Roberspierre and the Convention. It was not, his Grace was aware, a measure of the noble Lord's, but of Administration; he thought they should explain their motives to the people and to their Lordships. He was surprised to hear the bill defended on the grounds of humanity, for he considered it of the most inhuman tendency. It would give rise to every thing sanguinary and cruel; nothing would be left to be decided according to circumstances, but left our troops to be massacred by the enemy, and no man could see to what length retaliation might extend. For his part, his Grace said, he foresaw, and was perfectly convinced, that if these unfortunate men were taken prisoners, that they would inevitably be massacred. These unhappy men, his Grace observed, were left no alternative, if they did not enlist, they could not shew their face, or lift up their head in Society, for there was no medium between honour and dishonour. Thus driven to distraction, speaking generally, he should not be surprised if several were to act treacherously to those who had under the mask of humanity, forced them to fight against their country. He conceived that it would have behoved Ministers, and it would do more honour to the British name, to have provided for these unfortunate men in any other way, in preference to that devised in the present bill. Opposition, he observed, had been aspersed by Ministry; they had charged them with accusing them of

changing, as circumstances required, their declarations of the causes, that induced them to go to war. But the accusation against Ministers, he pronounced just. In the first instance, they had declared that it was a war of defence. They next declared, that they did not intend to interfere with the internal Government of that country; but now their declared object is to overturn the present existing system. For his part, while he admired the ingenuity manifested by the noble Lords (Hawkesbury and Auckland) he could not see the difference between interfering and annihilating. If the attempt to annihilate was not to interfere, it was a pitiful quibble which could not, in his mind, make the least impression on their Lordships. It was a fair inference to be deduced from what had fallen from the servants of His Majesty, that this small island, small, comparatively speaking, to France, was to exterminate twenty-four millions of people, or else overturn their Government; for Government it must be pronounced, as it was accepted by the majority of the people; and, therefore, he did not conceive that any one man, or body of men in this country, should presume to dictate to a whole nation. He had heard it mentioned that if Roberspierre, for instance, was dead or out of power, a great change might be looked for in the affairs of France; he did not fall in with such expectations; they seemed to him immaterial; he had too good an opinion of mankind in general, to think that one man was so much superior to the rest, as to be able to dictate by his will and pleasure to millions, what of themselves they did not approve, and that too in the conduct of a war in which they were all so immediately and materially interested. Something of that nature might happen, under the power of a Prince acting under hereditary rights and authorities, but could not be the case in a Republic such as France at present was. He could not have, he said, the felicity of agreeing with Ministers on this measure; he could not approve of arming men to [illegible] for the old odious despotism of France; he could not agree to [illegible] men to fight the battles of Aristocracy in a country, where, if like men, they had remained, and not quitted their native soil, and deserted in the hour of trial their Sovereign, he might now have existed. He saw no great encouragement, from the conduct of these emigrants, to trust them much; these persons might have some inclination to betray us; and, therefore, in that point of view, the bill was improper. He had heard the French abused for their ferociousness; he owned, that if that was true, he did not see the wisdom of the present measure. It was true, that many acts of great barbarity were committed in France; but to whom was this ferociousness to be attributed? To the French; No. To their combined enemies, who had hunted

them like wild beaſts, and had driven them, from ſtage after ſtage, to madneſs; and he was ſorry to ſay, that he had heard ſpeeches fully as ferocious and ſanguinary as any in France; for he had heard this war called a war of extermination; this appeared to him to be as unwiſe as it was unjuſt and inconſiderate. To ſay that we were not the principal in this unhappy buſineſs were wrong, for we have eſtabliſhed ourſelves as ſuch. Miniſters avow it, though prudence ſhould diſclaim it. He did not think that theſe men were fit to aſſociate with Britiſh troops, whoſe ferociouſneſs againſt thoſe whom they deteſt as uſurpers, muſt tend to contaminate all aſſociation, and mould the character and diſpoſition of the Britiſh ſoldiers after ſo bad an example. At all events, they are improper perſons to employ againſt France; for how abſurd to ſuppoſe, that men will burn and deſtroy thoſe towns, which are the ornament of their country, and which they have been uſed to contemplate with pleaſure, and with pride. Arguing on general grounds, his Grace proteſted, that he thought they were not fit to be truſted with places of importance, when they may have a proſpect of reſtoring themſelves to their fortunes, and conciliating their country, by betraying, at any riſque, the ſituation in which they are placed by this bill; to which he would, for theſe reaſons, give his moſt decided negative.

The Marquis of LANSDOWNE reprobated this bill, as well as the whole ſyſtem on which it was founded, in the ſevereſt terms. He maintained that the impolicy altogether was obvious, that the inhumanity was without example. Miniſters affect to ſay that if any of theſe emigrants were taken and executed, we ſhould retaliate and execute the priſoners we might take. He knew this to be what they dared not attempt: did they ſuppoſe that all the families in this country would hear for an inſtant, of a practice by which ſo many of their branches would be ſacrificed? if ſuch a practice was to be attempted, Miniſters would be dragged out of their beds at midnight. Th[illegible] been talked of during the American war, and the effect of [illegible] that was quite enough to enabls us to ſee the danger of attempting to adopt ſuch a ſyſtem. He pointed out many of the evils to which the preſent ſyſtem of carrying on the war had given riſe, and many more that were likely to follow; he thought that if there was any idea of benefiting the emigrants, we might, by one tenth of the expence that would attend the attempt of carrying this bill into effect, give them money enough to induce them to bleſs us, and retire to America; for a reſtoration of their property was out of the queſtion. He ridiculed the idea that the maſs of the people of France would, at any time wiſh to return to the feudal, tyrannical ſyſtem of the old Government, and repair to

the ſtandard of the emigrants for that purpoſe; and yet without that junction nothing could be done under this bill, for we had nothing here but the ſkeletons of regiments formed of officers. Who could be expected at this day to kneel to a proud and haughty ariſtocracy, by which a worthy Member of ſociety was to end his days in a dungeon for killing a hare? for that had been the uſe of the game laws under the old Government of France. He paid a very handſome compliment to the Duke of Bedford for the ſpeech he had delivered on this occaſion: more excellent ſenſe, with leſs pretenſion and affectation, he never witneſſed. Having taken notice of the quotation of the Earl of Mansfield from Dumourier, and obſerving that, although an able General, he was not a Prophet, he concluded that the war ſhould be put a ſtop to in the moſt ſpeedy manner, as it began to introduce daily ſcenes of miſery in the country, and that from its conſequence, and the complaints he heard all around him, his own eſtate and neighbourhood had become in a manner irkſome.

The Earl of CAERNARVON defended the policy of the meaſure. He contended we were now fighting for our exiſtence as a Government; for the terms propoſed to us, was to relinquiſh our Conſtitution. When a propoſition had been made for peace, the Rights of Man, as they were termed, had introduced every ſpecies of barbarity, and deſtroyed every thing which bore the form of order in France; and the queſtion now was, Whether we ſhould oppoſe the introduction of that ſyſtem here? With regard to what the noble Marquis ſaid concerning the complaints he had heard in his own neighbourhood; though lately there, he confeſſed himſelf a ſtranger to them, having never heard any complaint except from the noble Marquis, every one profeſſing an eager deſire to proſecute the war with zeal and firmneſs. He concluded with ſaying, that he had no ſcruple in declaring, that, were he in the ſituation of thoſe unfortunate men who had fled from the [illegible]able tyranny of thoſe perfidious monſters, who had uſurped, through treaſon, murder, and maſſacre, the power and property of the State; he, for one, would carry every feeling of reſentment into the field, and march with hoſtile arms againſt the plunderers and parricides of his country.

Earl STANHOPE took notice of the manner in which the grounds of the preſent war had from time to time been ſhifted, ſo that it was now impoſſible to know what in reality was the object of it. He quoted the King's ſpeech in January 1792, long after the Jacobin ſyſtem was triumphant in France, ſtating that this country had ſuch aſſurance of tranquillity, as to make it adviſable

for us, not to increase our naval and military establishment, this, he maintained, proved that the Ministers did not then see the Jacobin system so dangerous, as since they had affected to view it. He said, he could not sit still and listen to the ridicule and contempt with which the rights of men had been treated. He affirmed, and ever would, that there did exist certain rights in every country, to which the citizen had a just and natural claim: the right of property, the right of industry, and a freedom of opinion. These were the rights for which the French were struggling—rights which they now, in some measure enjoyed, but which, under their old form of Government, had been totally unknown to them. In support of this assertion, he said, he would quote facts as proofs; a body of French had been taken prisoners, and on their way to prison, happened to see a little boy twirling on the end of a stick a red cap. This object had presented to their minds the tree of liberty; and, under this impression, though in the hands of their enemy, with the alternative before them of being liberated if they would take up arms against their country, in a fit of enthusiasm they all exclaimed "Long live the Republic." It was not with opiate draughts, nor strong liquors, but with the ardour that liberty inspires, that they fought for liberty and for their country. His Lordship contrasted the situation of the French under their new form of Government with that of their former, and insisted the latter was preferable. He took notice of the general declamation there had been employed, in describing the wretchedness of the mass of the people of France, and maintained that the whole of that description was false, for that he had reason to be satisfied, that the frontiers and a few internal places excepted, France, with regard to the mass of its people, was the happiest this time in Europe: it could not be otherwise, for the peasants paid no taxes, the expences of the war were borne by aristocrats, defrayed out of the royal domains, and the property of the Clergy and the emigrants; he wished the House, therefore, to reflect on the probability there was of any success attending a plan, the object of which was to restore aristocrats to their former possession. He then gave notice that tomorrow he should make his opposition to this bill, upon his own grounds, for he was determined to oppose it in every stage.

Lord GRENVILLE said, that from the very able and eloquent manner in which his noble friends had treated the subject, he would not have troubled their Lordships if he had not felt himself pressingly called upon to answer some very material points which had been much insisted upon in the course of the debate. And here, his Lordship said, he could not but express the deepest con-

cern when he heard from a noble Duke (Bedford) who had juſt ſpoken, that Engliſhmen were reprehenſible for thoſe cruelties and atrocities which had been committed by the French. But his aſtoniſhment was ſtill more excited when he heard any thing like a juſtification of their conduct from the noble Earl who had juſt ſat down. The tranſactions of Paris were of ſuch a nature, from the firſt great crime, through the various ſtages of progreſſive guilt and blood, as to ſtain the annals of theſe days, and leave the moſt horrible impreſſions upon the mind. The picture was ſtill formidable to behold, and the tyranny the moſt odious and oppreſſive that ever afflicted human nature. So far from any degree of comparative happineſs reſulting from the contraſt which the noble Earl had made, every thing loſt upon the compariſon. The property, the labour, the ſweat of the peaſant's brow, was in requiſition. Under this technical term of requiſition, was concealed the moſt ſubtle and dangerous principle: a principle that went to plunder the property of the citizen, and deprive him of every poſſible mode of redreſs. He had no ſtronger proofs to lay down, ſtronger would not be required, than the general ſtate of the country. The number of priſoners in Paris alone, was little ſhort of eight thouſand. Rumour had doubled that number, and he had good reaſon to believe it.— It would be waſting their Lordſhips' time to enter into the catalogue of their enormities; one circumſtance he would mention; becauſe of many, it was a well-authenticated fact: It was the application of the torture to an unhappy citizen and his family to compel the diſcloſure of his property and effects! and this was an act of authority—an act of the Agent of the Commiſſioners of the Convention!

Lord Grenville next anſwered the objections which were ſtated againſt the admiſſion of the French emigrants into Engliſh pay, for the purpoſe of bearing arms againſt their country, and the conſequent treatment which, as traitors, they would receive. His Lordſhip ſaid he had no doubt, notwithſtanding all that had been ſaid, but that it was a meaſure full of humanity, expedient, and juſt. He contended, that there was no danger apprehended from the aſſociation of our troops with thoſe emigrants, that they would ſuffer any contamination in their principles, becauſe the meaneſt ranks in our army had too much good ſenſe and information, to ſee the bleſſings of the Conſtitution under which they live, to be induced by any arts, to prefer tyranny on the one hand, or democracy on the other. That any conſtitutional danger could be apprehended from 5000 Frenchmen being in arms in the kingdom at once, he conceived perfectly ridiculous, as if it was poſſible they

could overthrow the whole internal force of the kingdom, and march from Portſmouth to the gates of London without interruption. He contended that thoſe French emigrants were the beſt perſons that could be employed for the attainment of the preſent object of the war, and that thoſe bad conſequences apprehended, would not now follow from any diſunion of ſentiment amongſt them; as the enormities committed in France were ſo great, had created but this one ſentiment in every mind, that thoſe deſperate wretches who uſurped the power, at preſent, muſt be ſubdued.—He ſaid it was not the deſire of revenge that animated theſe men, it was a wiſh to reſtore tranquillity to their diſtracted country.—They were men of great and noble minds, which have been chaſtiſed in the ſchool of adverſity, and were not likely to entertain the diabolical paſſion of revenge; and it was highly illiberal to impute ſuch a deſire to them. It was their anxious hope to have the healing balm of reconciliation poured into the bleeding wounds of their country, and not to widen them with the flaming ſword of revenge. He had converſed with many of thoſe unfortunate exiles, and had formed the beſt opinions, both of their readineſs to take up arms, and of the benefits that were likely to ariſe from their union and exertions.

The laſt point on which his Lordſhip ſaid, he would engage their attention, was, in reply to the many arguments which had been adduced againſt the right of one nation interfering with the internal Government of another. This he would wiſh to ſtate with much caution and delicacy; but as it was preſſed upon him, he would not heſitate to ſay, that it was a right which, on certain occaſions, had been exerciſed both by ancient and modern nations. Did not the hiſtory of Rome exemplify this practice? Did not modern treaties confirm it; Did not Queen Elizabeth interfere in the Government of the Netherlands and Holland? And are not the various guarantees which are entered into between the different States of Europe ſo many interferences in the affairs of other kingdoms. But England, wiſhing to preſerve neutrality and peace, had acquieſced in thoſe ſcenes which ſhe at firſt had painfully beheld, until menaced openly by the Convention, and until that menace was carried into execution by the invaſion of Holland. With reſpect to the concluſion of the war, he ſaid, he did not mean to contend that this country could never make peace with France as a Republic, provided it was a Republic which preſerved regularity at home, and afforded ſecurity abroad; but he ſaw little probability of ſuch Government ever exiſting in France; but at all events, with ſuch a Government as the preſent, it was impoſſible to make a

peace with any regard to the honour or the ſecurity of this kingdom, and he was ready to declare it as his opinion, that no democratic form of government could give ſecurity and liberty to twenty-four millions of people. He concluded with recapitulating all the arguments to prove that with reſpect to all the powers now at war with France, the French had been moſt notoriouſly and wantonly the aggreſſors.

The Duke of BEDFORD, in explanation, wiſhed that the noble Lord had given leſs ſcope to his eloquence as applied to the feelings of their Lordſhips, and given ſomewhat more of argument in ſupport of the bill. In civil wars, more eſpecially where the conteſt was about opinions, atrocities on both ſides were but too common; and he much feared that the effect of the bill would be to increaſe them in France.

The Marquis of LANSDOWNE ſaid, that as the noble Lord had not heard any arguments advanced againſt the bill, he had unneceſſarily taken up much of their Lordſhips' time for nothing; but ſuppoſed that his Lordſhip muſt feel thoſe points, when he endeavoured to anſwer thoſe that bear on him, and that it required ſome little endeavour, on his part, to remove their effect. He did not think it probable that any thing that could now be ſaid could change the determination of thoſe on either ſide of the Houſe, or elſe he could with eaſe refute every argument advanced by the noble Lord, who had ſpoken of chronology, but confounded chronology every ſtep he went. He ſaid he had converſed with ſome informed and impartial men, who had lately traverſed France from Lyons to Paris, and from Paris to Bourdeaux, and they agreed in repreſenting the condition of the people, and the cultivation of the country, as far ſuperior to what they were ſix years ago. It was true that the laws for fixing the prices of commodities, and putting in requiſition whatever was wanted for defence againſt the foreign enemy, were felt as hardſhips, but as hardſhips cheerfully ſubmitted to; becauſe the people thought them the means of ſecuring their property and their liberty in future. He knew not to what extent the noble Lord had enlarged his notions of religion and liberty. For his own part, his education had been ſo narrow as to make him look for religion in the Church of England, and for liberty in the Britiſh Conſtitution. Nothing the noble Lord could advance, could make him ſurrender any part of the Conſtitution, or to agree to the introduction of a ſtanding army, how ſmall ſoever in number. He believed the noble Lord and his colleagues ſtudied a certain author, more than they quoted him (Machiavel), and ſeemed to have adopted one principle which he lays down, "that when a Prince wiſhes to introduce

any obnoxious meaſure, he ſhould arm himſelf with power beforehand, to compel the conſent of the people, if denied." He confeſſed, he ſaw with an eye of jealouſy, the introduction of barracks and other meaſures of a ſimilar nature. It was cruel to hold out that none of the French emigrants who were deſtitute of every honourable feeling, could decline enrolling themſelves under the preſent bill. Many of them, men of the beſt qualities and the higheſt honour, might feel inſuperable objections to bearing arms againſt their country. He deprecated the idea of placing thoſe unfortunate gentlemen in ſuch a deſperate ſituation; for whatever the noble Lord might ſay on the ſubject of retaliation, he was convinced, thoſe unfortunate men would be left to their fate if they ſhould fall into the hands of their countrymen; for in the cartels with Pruſſia and Auſtria, they are found to include the emigrants in the cartel, and they were forced to give up the point; and he ſuppoſed it would be the caſe in every other cartel.

The Houſe divided,

Contents 54; Not Contents 7.—Majority 47.

Tueſday, 6th May.

On the order of the day being read, for the third reading of the Emigrant Corps bill,

Earl STANHOPE aroſe and ſaid, that it was his wiſh not to detain their Lordſhips, but he could not ſit ſilent, when he contemplated what had fallen laſt night from a noble Lord, that it was His Majeſty's Miniſters' determination, to interfere with the internal Government of France—an interference the moſt ſingular he had ever heard, that of annihilating the preſent exiſting ſyſtem of Government. He would not, he ſaid, in the preſent inſtance, travel over the ſame ground, as to the interfering with the internal Government of France, that he had done, as that was a ſubject on which he before employed a whole evenings diſcuſſion. He expreſſed his entire diſapprobation to every part of this bill; he had, he ſaid, read the preamble of it, every diſtinct clauſe of it; he had heard the principle of it, and the object of it debated laſt night; he had digeſted the whole, and in no one inſtance could he perceive it to be founded on either juſt, legal, or politic grounds. He would, however, only ſelect the objections that had appeared upon the face of it; and firſt he attacked the humanity of the bill, from the information he had collected, and which he believed to be open to every one; he could ſtate it as a fact, that the French, though not univerſally, yet generally deſtroyed the emigrant priſoners who fell into their hands; this was founded upon the laws of nations; but

as prejudice was always attached to whatever the French did, he would name any other country, ſuch as Denmark or Sweden, would not the ſubjects of thoſe countries taken priſoners be deſtroyed? There were certain laws upon our ſtatute books which made it treaſon for any man to enter into the pay of other nations; yet, by this bill, we encourage that part of treaſon in the emigrants; was this the humanity of it? Was it not delivering theſe unfortunate men to be guillotined like felons, or hung like dogs? As for the retaliation which the noble Secretary of State propoſed laſt night, was it fair, was it practicable? If in revenge for their murdering the emigrants that might become their priſoners, we coolly deſtroyed their officers and men who were taken priſoners here, would they not in their turn murder the brave officers and men of this country, which they had taken priſoners this war? and could any man who had relatives or friends priſoners in France, think without ſhuddering with terror for their fate? and muſt not every man tremble for the brave ſoldiers in the ſervice abroad, in a war carried on upon ſuch horrid principles? would it not extend the cruelties of war to a degree unknown in the annals of the world, and not to be believed at the end of the 18th century? At leaſt, if the preſent bill muſt paſs, let us endeavour to make ſome proviſion in this caſe, and try to avert the calamities that might reſult to thoſe employed in the ſervice; for they had entered it with an expectation that if they were taken priſoners, they would be well treated, as they had been at Toulon and elſewhere, and not be liable to be maſſacred, as the ſyſtem of retaliation might ſubject them to, his Lordſhip ſaid, there was a ſyſtem to be found in an act that paſſed this year, namely, the Mutiny Act, of which he read the 78th ſection, by which no officer or officers are authoriſed to enliſt the men, and to return to their country, without they were willing. His Lordſhip ſaid, he would move that this clauſe be added to the preſent bill, but in doing ſo, he wiſhed to be underſtood not to agree with any part of the bill whatever. He then took up the firſt volume of Blackſtone's Commentaries, with an intention to read to the Houſe that great lawyer's opinion on this ſubject, when he was interrupted by

Lord SYDNEY, who ſaid he was going to do what he had never done in either Houſe of Parliament: but as he clearly ſaw that the ſpeech of the noble Earl was not intended for their Lordſhips, but for the hearing of the perſons whom the noble Earl had himſelf introduced into the Houſe, he ſhould move that the bar be cleared.

Lord GRENVILLE wiſhed the perſons ſhould not leave the bar with the wrong impreſſion which the noble Lord's ſpeech might have made upon their minds; the Britiſh ſoldiers were far from being expoſed to the danger he had ſuggeſted, and which could only exiſt in ſanguinary minds. His Lordſhip then commended the conduct and ſpirit of the Britiſh troops, from whoſe honour nothing was to be apprehended, and from whoſe bravery every thing was to be expected.

Earl STANHOPE was proceeding, when the Houſe was ordered to be cleared.

The bill was read a third time.

Adjourned till Thurſday.

Friday, 9th May, to Thurſday, 15th May, incluſive.

No debate.

Friday, 16th May.

Lord GRENVILLE roſe to move, that this Houſe do adjourn, but that only till to morrow, on account of buſineſs of *very great importance*, that would then be laid before the Houſe; his Lordſhip ſaid, that the regular hour for the Members of the Houſe to attend, was at ten o'clock, but that it had been cuſtomary for public buſineſs not to come on till ſome hours after noon; and though the ſummons did not mention any particular hour for attending, yet he hoped, that as it would be generally underſtood, that buſineſs of *very great importance* would be laid before the Houſe, their Lordſhips would give their attendance at twelve o'clock.

The Houſe was then ordered to be ſummoned, and immediately adjourned.

Saturday, 17th May.

The order of the day for the Lords to be ſummoned, having been read,

Lord GRENVILLE roſe and preſented a meſſage from His Majeſty. The ſame having been read,

Lord GRENVILLE moved, That it be taken into conſideration on Monday.

The Duke of GRAFTON attacked His Majeſty's Miniſters, for bringing forward a meſſage from His Majeſty, ſtating that the country was in imminent danger, and poſtponing the inveſtigation of the meaſures which they meant to oppoſe to that danger, for forty eight hours. His Grace alluded to what had paſſed in the Houſe of Commons, and thence by compariſon inferred that the

Ministers were deficient in that respect and attention which was due to the House and to the dignity of their Lordships.

The Earl of LAUDERDALE pursued the same topic, but carried it farther, by contending that as a communication had been made to the other House of Parliament, and they had acted upon it, merely to state the King's message, and not at the same time to make the communication, was to degrade the dignity of the House, by treating them as if they were secondary, and subservient to the House of Commons. The import of the message was important and pressing, the sooner, therefore, the House knew and could proceed to deliberate upon and discuss it the better.

Lord GRENVILLE rose to justify himself and the rest of His Majesty's Ministers from the imputation urged against them by the noble Duke and the noble Earl. Far was it from their intentions to treat that House unbecomingly, or with the smallest disrespect, nor could he conceive, that on a fair consideration of the proceeding of that day, any such inference were warrantable. The noble Duke had argued, as if it had been universal, when a message was brought down from His Majesty, for a motion to be made for an address of thanks for the same, and that it should be followed up by another motion, to resolve that His Majesty's message should be taken into consideration the very next day of the House's meeting. If the noble Duke from so long a seclusion from parliamentary business, had forgot what the practice of the House was, it would not be amiss for the noble Duke to reconsider the subject, and govern his political conduct accordingly. The mode adopted that day appeared to him to have been rather calculated to avoid censure, than to provoke it. The substance of His Majesty's message was confessedly of the utmost importance; was it therefore a matter of blame in Ministers, that by the mode of proceeding adopted, they afforded their Lordships time for deliberation? Had the case been otherwise, had they brought in the message, and suddenly proposed a measure upon the subject, the House with a much stronger colour of reason, might have complained of unnecessary precipitation and indecent hurry. The noble Earl had mentioned the measure in agitation in another place, and had chosen to suppose that their Lordships were treated as the dependants of that House, at least that Ministers meant to put them in that degrading situation. The noble Earl well knew that no such thing was intended, and that it was impossible, under the circumstances of the case, to act otherwise than Ministers had done. The conduct of Ministers on the present occasion was by no means unprecedented; there was a precedent, and a very strong one, on their Lordships' Journals, in the year 1722,

in the reign of George I. when His Majesty informed both Houses of a conspiracy to overturn the Government (Layer's Plot), when a bill was brought in to suspend the Habeas Corpus Act for one year, and read a first, second, and third time, and sent to the Commons in one day, and by them passed the next day. With regard to that House regulating their proceedings by the proceedings of the other House of Parliament, while so good an understanding continued between the two Houses as happily existed at present, it was not at all extraordinary, that the one House should be in some measure apprised of matters of an important and pressing nature in agitation in the other, and should regulate their own proceedings accordingly.

The Duke of GRAFTON said, he was afraid he must still differ with the noble Lord about an essential point, viz. the Constitution of that House. As long as the House existed—as long as the dignity of their Lordships remained, either in shape or substance, he would stand up in its support, in the face of their Lordships, in his place as a Peer of Parliament; and he would also maintain the same argument to the people at large. He was obliged to the noble Lord for the advice he had been so good as to give him respecting his political conduct; but he had long since adopted the line of politics he thought it right to pursue, and he had no objection to meet the most scrupulous inquiry into his political conduct, from the first moment of his public life to the present hour. He still continued to think the communicating a message of such importance, and then delaying to follow it up with the notification of some measure which appeared to His Majesty's Ministers proper for the occasion, a degradation of the dignity of their Lordships, and an insult (if he might be allowed to use such a word) to the Legislature itself. It was well known that a similar message had been delivered to the other House, which His Majesty had brought forward that day before their Lordships, and that a communication had been made upon it. Why was it not thought fit to make a similar communication to their Lordships? The noble Secretary of State had argued, that, by moving that His Majesty's message be taken into consideration on Monday next, would afford time for deliberation. Deliberation on what? The House had heard His Majesty's message: that message informed them of the imminent danger. Upon what, therefore, were they to deliberate? If Ministers had made the communication that had been made to the other House, or had proposed a measure in the outline, which they meant to explain more fully on a future day, there would have been real and serious ground for deliberation; but to talk of deliberation, with nothing to deliberate upon, was ridiculous and laughable. The Duke said, he had long seen the dif-

ficulty of the moment coming on; he afcribed it altogether to the pernicious councils of His Majefty's Minifters. He had given it as his opinion in private and in public, wherever he was, and had mentioned it as the inevitable confequence of the meafures fo ill-advifedly purfued. The Duke added fome other pointed obfervations to fupport his affertion that the prefent proceeding was inconfiftent with the refpect due to their Lordfhips' dignity.

Earl STANHOPE declared, that he fhould not be furprifed at any atrocioufnefs, at any treachery, at any wickednefs that could be attempted under the fanction of His Majefty's Minifters, after what he had lately feen practifed in this country. With regard to the prefent meafure, the ground and pretence for it was the moft "impudent humbug" that ever Minifters had the audacity to ftate, if his ears deceived him not. It was an inference neither fupported by logic, by fair reafoning, or by truth of conclufion, drawn from a miferable collection of papers, moft of them publifhed two years ago. Thofe papers were written by a fet of men, honeft in their intention, though not rich, nor of high rank. They might from defect of education have been fomewhat "inaccurate" in their expreffions: [A laugh from Minifters] but their intentions were clearly legal, as their profeffed aim was to obtain a redrefs of grievances by legal means. That fuch was their object, was undeniable from their frequent ufe of the term "legal" in all their writings. That the meetings thefe men had held, were not always confidered criminal, was obvious to every man who was at all acquainted with the public tranfsctions of the paft twenty years. During the American war, a meeting had heen convened by public advertifement; the name of which he cared not much about; it might be deemed a Congrefs, a Meeting of Deputies, or a Convention; but they affembled in the Council Chamber of Guildhall, where the Common Council ufually fat. A principal member of this meeting was a brother of the prefent noble Secretary of State, and there were many other gentlemen prefent of character and credit. The defign of the meeting was to deliberate on a reform of abufes, a redrefs of grievances, or a reform of Parliament. [Lord Grenville fhook his head.] The Earl faid, he cared but little what noble Lords fhook their heads, when he was ftating a fact to which he was witnefs, as he was not afhamed to fay that he was prefent with the other refpectable perfons he had alluded to at that legal meeting. Many perfons, his Lordfhip faid, of high rank and exalted ftation at this moment, had notorioufly taken the lead in endeavouring to procure a reform of Parliament. Even the Minifter himfelf had taken pains to be diftinguifhed as one of its advocates; and a noble Duke had, in that

House, proposed that every man in the kingdom should have a vote. After such persons had lent the weight of their characters, and the full extent of their great abilities, to promote such a purpose, was it to be wondered at that men of lower rank, of less ability, but not of less integrity, should have caught the flame, and attempted to tread in the same footsteps? If these humbler agitators of the question of reform in Parliament had acted criminally, their prouder predecessors were equally criminal, and how hard a measure of justice was it to punish the weak by the hands of the strong, who had been able to gratify their ambition, and possess themselves of power! The present measure of Ministers, his Lordship said, he considered as neither more nor less than obtaining a power to erect a Bastile in England, in order to immure every man who thought differently from Ministers, and had spirit enough to assert and maintain his opinion publicly. He declared, that he had been guarded and cautioned without doors, against saying any thing that might bring himself into danger or disgrace, but in that House he had said, and as long as he was permitted to speak in it, he would say what he thought, provided it was not contrary to the rules of the House. Possibly he might soon be bastiled, he would therefore speak out while he had permission to speak at all. He cared not what happened to him, for after the Constitution was gone, self-existence was of no consideration. He did not wish to outlive the Constitution a single moment. If the Constitution warranted such proceedings as had lately taken place, it was not worth preserving. His Lordship took occasion to advert to the circumstances of the war, and said, if the news rumoured in town was true, the state of our prospects were deplorable indeed, and begged leave to be understood as speaking from the authority of those who thought as Ministers did respecting the war, and did not think with him, who had uniformly deprecated the war, as a most fatal measure for this country to undertake. If the news, such as report gave, were true, his Lordship said, it must cast a gloom on the mind of every man, who had the interest of his country at heart, however sanguine his hopes might be of its prosperous continuance, or its happy termination. He warned their Lordships of the danger of provokieg the temper of the people of this country too much; he wished them to reflect on the dissatisfaction which the people must feel at the measures which Administration were pursuing to inspire terror into those who disapproved of their conduct. The erecting a Bastile in this country might answer the purpose of confining a few, but must certainly irritate the great mass of the people. He warned them of the probable consequence of such a conduct; he desired them to reflect on the steps that

brought on the Revolution in France, and on the prodigious efforts of the people in Paris the day before the Bastile was taken, all of which arose from the violent measures of the Executive Government to silence popular clamour. He said, he was anxious to deliver his sentiments freely and plainly, because it might possibly be the last opportunity he should have of doing so in that House; he therefore must declare, that men who would persist in such measures, deserved to have their heads brought to the block—and, if there was a people still in England, the event might turn out to be so. As to himself, it was not matter of much consequence to him how they acted after this bill should pass, for what were all considerations of property or possessions to a man wishing to be free, after he knew he was liable to be imprisoned for his opinion, and that at the discretion of another, who was neither bound to bring him to a trial, nor assign a reason for his confinement?

The House adjourned.

Monday, 19th May.

Received from the Commons, the bill to empower His Majesty to secure and detain such persons as he shall suspect, &c. and also the Report of the Committee of the House of Commons on the Papers of the Society for Constitutional Information, and the London Corresponding Society, &c.

Lord GRENVILLE said, the motion he had to make did not require any preface from him, because it was in exact conformity to precedents to be found upon their Lordships' Journals: he should therefore only move, that the Report and the Papers be referred to a Committee of nine Lords, and that that Committee be a Secret one.

There was another motion, which he did not intend to make this day, but merely to give notice of it for the first day on which there should be a full attendance of their Lordships. It was with the utmost satisfaction he informed their Lordships, that Ministers had this day received accounts informing them of the complete success of the expedition against the French West-India Islands. Under these circumstances, he was sure their Lordships would unanimously concur in rewarding those brave officers under whose conduct that expedition had completely answered all its objects—The reward he meant was that which to British officers is the highest which can be given, viz. the approbation of their country; he therefore wished to give notice, that on the first day on which there was a full attendance in the House, he should move the thanks of the House to Sir Charles Grey, Sir John Jervis, and the other officers serving

in the West Indies, and to the soldiers and sailors acting under them.

Earl STANHOPE said, that as to the papers being taken into consideration he could have no objection. He remarked, that every noble Lord, who had read the newspapers for several months back, was in possession of the circumstances contained in the Report. He conceived, that the measure deserved the deepest and most solemn investigation of their Lordships. He had heard the Report of the House of Commons; but he did not conceive that any thing contained in that, justified the strong measure of the suspension of the Habeas Corpus Act. The documents alluded to, consisted of certain printed papers, and a book of which the Duke of Richmond approved. That book had been already in circulation, and contained nothing more than what had repeatedly appeared in print. It contained resolutions of which a noble Duke had approved. But there was in this business something extremely mysterious, and such as reminded him of a circumstance that occurred in another place—Westminster-hall. It was notorious on that occasion, that certain papers had appeared in that book which were not united with the others, as they were not sewed together. On examination he found, that those leaves were not pierced with a needle; but, on the following day, when the business was again investigated, those leaves were really pierced, but so as not to accord with the holes made in the other leaves of the book. This was a convincing proof that such leaves were introduced for bad purposes, and had not the semblance even of a shadow of truth. Now, it had been asserted, and not contradicted, that a Resolution of the Society for Constitutional Information, which certainly stood on their books, had been omitted by *negligence*, he would not say *treachery*. That matter remained unexplained; he was therefore for an inspection of the book and papers before the whole House; not a secret but an open examination before the whole public, the deluded people of England; should his motion not be carried, the Committee would bear this circumstance in their mind, and account to the House for either the non-existence, or the want of notice from the Committee of the Commons of that particular Resolution.

The Earl of LAUDERDALE congratulated the House that they were at least not called upon to pass so important a law by three readings in a few hours, but that time was afforded to deliberate on so extraordinary a measure. He gave his full and hearty concurrence in the vote of thanks to the great services rendered to this country by Sir Charles Grey and Sir John Jervis. His Lordship said, that when the papers were submitted to the House, it

would be then time to ſee how far they differed from the Report laid upon the table from the Commons. If it appeared, on examination, that there was a variation of facts, he thought that then would be the proper time to animadvert on the ſubject. He ſaid, that the conduct of Sir Charles Grey and Sir John Jervis were unexampled in the annals of hiſtory, their brilliant ſervices were ſuch as demanded the applauſe and admiration of their country, and they were ſuch as to which he would moſt cheerfully ſubſcribe.

Earl STANHOPE ſpoke in explanation.

The Marquis of LANSDOWNE roſe, and expreſſed his great ſatisfaction, on their Lordſhips being allowed farther time to debate a ſubject of that great importance, as that of the ſuſpenſion of the Habeas Corpus Act. When a bill was introduced for the annihilation of the liberties of Engliſhmen, he applauded the caution uſed by His Majeſty's Miniſters, and was happy to perceive that their haſtineſs and impetuoſity was ſoftened down, and therefore he gave them credit for their repentance. Whatever quarter this delay proceeded from, it deſerved his applauſe; and he truſted that he would not be accuſed of partiality, when he coincided with the approbation beſtowed ſo juſtly on thoſe gallant officers, who acquitted themſelves with ſo much credit at St. Lucia and Guadaloupe.

The motion for referring the papers to a Committee was then carried without a diviſion, Earl Stanhope alone oppoſing it.

The Duke of GRAFTON obſerved, that the regular mode of proceeding was, when a meſſage was delivered from His Majeſty, to move a vote of thanks immediately. He was ſurpriſed, he ſaid to ſee Miniſters depart from this rule, and was of opinion that it ſhould not be diſpenſed with. He conceived that it was highly diſreſpectful not to vote an addreſs immediately to His Majeſty.

Lord GRENVILLE ſaid, he had deferred doing it until the Report on the papers were made, as it might then alſo contain their ſentiments upon them: but, if any noble Lord thought the preſent was the moſt reſpectful time, he had no objection to do it now.

The Duke of GRAFTON ſaid, there were but very few examples of delay to be found on the Journals.

Lord GRENVILLE moved, "That an humble addreſs be preſented to His Majeſty, to return to His Majeſty the thanks of this Houſe for His gracious communication."

Lord Grenville alſo moved, that a meſſage ſhould be ſent to the Commons, to aſſure that Houſe of the pleaſure their Lordſhips in a cordial correſpondence with them, and that the papers now ſent, and all others, ſhould be carefully returned when required.

Ordered.

Tuesday, 20th May.

The Lords proceeded to ballot for a Secret Committee of nine, when the following noble Peers were chosen:

The Lord Chancellor,	Duke of Portland,	Earl of Caernarvon,
Lord Privy Seal,	Earl of Hardwicke,	Earl of Chatham,
Duke of Leeds,	Earl of Carlisle,	Earl of Mansfield.

The House adjourned.

Wednesday, 21st May.

The Secret Committee presented the first part of their Report on the papers communicated by the Commons.

The Earl of LAUDERDALE and Earl STANHOPE stated various objections to the mode of proceeding adopted on this occasion, which was defended by Members of the Committee.

Ordered, That the Report be taken into consideration on Thursday, and that the Lords be summoned.

The House adjourned.

Thursday, 22d May.

Lord GRENVILLE moved the order of the day.

The Report of the Secret Committee, printed and sent up to their Lordships, by order of the House, was then read.

Lord GRENVILLE then moved, That the Report of the Committee of nine of their Lordships, be then read, which was done. It stated that the Committee of their Lordships had met, had compared the Report of the Committee of the House of Commons with the papers which were sent with it, and had come to a resolution, that they were satisfied, from looking at these papers, that a treasonable conspiracy had been formed and acted upon, in different parts of this kingdom, for the subversion of the established laws and Constitution of the kingdom, and for the introduction of that anarchy and confusion which so fatally prevailed in France. That measures have been taken for providing arms, of the most pernicious sort, for various persons, for carrying on the purposes for which they have conspired. The Committee had directed a farther examination into these circumstances, and they submitted whether it would be proper, that they should proceed to peruse these books and papers, or leave it now to the zeal of their Lordships to come to an immediate measure, thereby averting the calamities in which the farther progress of such a conspiracy may involve the nation.

The Earl of LAUDERDALE said, he had some doubts as to the order of their Lordships' proceedings; how far this Report was

correct and regular, and such as they could properly receive; for the Report stated nothing more than the opinion of the Committee on certain points; they stated no facts on which they grounded their opinions, nor did any thing appear on the face of the Report of their Lordships' Committee, that could furnish their Lordships with any information. The papers brought up by the Commons were to be returned, and their Lordships could not have recourse to them. He must maintain that their Lordships' Committee had no power to report their opinion to the House; they should have related facts, and left the House afterwards to form its own opinion.

The Bishop of ROCHESTER hinted that this was not speaking to order.

The Earl of LAUDERDALE observed, that he was not to be discomposed by the muttering of any man in that House: he believed that he was speaking strictly in order, because he was stating that the Report which their Lordships had just heard read, was an irregular Report; and he believed it would require at least all the eloquence of the learned Prelate, to prove that he was out of order, or that the Report was regular, and such as the Committee was charged to make. He would say again, that the Committee should have reported facts to the House, and not merely their opinion on facts; for in the order by which the Committee was constituted, it was not expressed, as in some cases, "That they shall report the same, together with their opinions thereon to the House."

The Bishop of ROCHESTER spoke to order; he said, that the Report of the Committee was regular, for that since it was first made, several resolutions of that House had been made upon it, and therefore it was out of order to object to the Report now; his Lordship desired that the proceedings might be read, which being done,

The Earl of LAUDERDALE said, that from all that had passed, he was quite convinced that he was perfectly in order, and that this was the very stage for him to make his objection; having made it, he left it to their Lordships to judge of it, and for them to see whether they would be guilty of such a disrespect to themselves, as to proceed in a manner for which there was no precedent on their journals. The noble Secretary of State would have been regular, if he had moved that this Report be re-considered. He must again say, let who would attempt to refute him, that this Report was not such as the Committee were empowered by the House to make; their Report should have related facts, whereas it contained nothing but matter of opinion.

Lord GRENVILLE said, he had rather have suffered the noble

Earl, who had juſt ſat down, to proceed as far as he pleaſed on the point of order in this caſe, than interrupt him, becauſe he was perſuaded that points of this kind had better be allowed to paſs by, than to be ſtrenuouſly contended; he ſaid this merely with reference to the general convenience of the Houſe, and not from any conviction that the noble Earl was right on the queſtion of order; on the contrary, he was convinced the Report was ſtrictly regular; not only ſo, but he was clearly of opinion that the Committee had diſcharged their duty in an able manner, and had reported an opinion on theſe papers, in which he truſted their Lordſhips would coincide; but he ſhould come now to that which appeared to him to be the moſt important matter for their Lordſhips' conſideration. He roſe now in conſequence of what their Lordſhips had firſt heard read, and of the notice he gave yeſterday, to call on them to conſider whether they ought not now to proceed with all poſſible expedition in the meaſure before them, which was a bill brought up to them from the Houſe of Commons, to enable His Majeſty to ſecure and detain ſuch perſons as he ſhall ſuſpect of conſpiring againſt his perſon and government. It had now in different ſhapes been brought before their Lordſhips; firſt, by the meſſage from the King; ſecondly, by the communication from the Houſe of Commons; and laſtly, by a Committee of their own, that a plan and conſpiracy actually exiſted for the purpoſe of ſubverting the laws, and annihilating the conſtitution of this kingdom. It was moreover aſcertained, to the ſatisfaction of their Lordſhips, that arms had been furniſhed, to carry into effect the wicked machinations of the Societies to which the Report adverted. In ſuch a ſituation, the two branches of the Legiſlature had ſhewn precedents, where the hands of the Executive Government were ſtrengthened for the purpoſe of defeating thoſe who conſpired againſt the laws and the conſtitution. Was he to cloſe his ſpeech here, he was convinced, after their Lordſhips had heard the Report, that it were unneceſſary for him to ſay more to induce them to agree to the motion which he would have the honour of ſubmitting to their conſideration. The only queſtion, in his mind, now was, whether their Lordſhips would agree to a meaſure that tended to enable the Executive Government to ſecure to this country the bleſſings of the conſtitution and its laws, which were attacked; for that purpoſe, he would recommend to their Lordſhips to paſs the bill now before them; in doing which, they were doing nothing more than their anceſtors did, and that, at the beſt periods of our conſtitution, at an æra when liberty was perfectly underſtood and practically defined. For it was at the time of the glorious Revolution itſelf, they had adopted the meaſure now

proposed on slighter examination than that which had preceded the measure now proposed to be adopted; this would be apparent to their Lordships on reference to their journals; it would appear that such a bill as this had passed on a simple communication from the Crown, without stating any thing but a mere fact of there being a conspiracy, and without waiting for any proof of it; but although that was the case, he felt in this instance a desire to enter a little into the detail of facts, by way of information to the House. The assertion of the House of Commons, in which their Lordships' Committee had unanimously concurred, was, that they were satisfied there was a design now openly professed and acted upon, which aimed at nothing less than what was stated in His Majesty's message, a traitorous conspiracy for the subversion of the established laws and constitution of the kingdom, and to introduce a system of anarchy and confusion, which had fatally prevailed in France; and he was sorry to say that this had not been discouraged; on the contrary, it had been encouraged in many instances, and that at a time when we were at war for the support and maintenance of every thing that was dear to us, and to every civilized nation in this world. From the first moment those who brought on the revolution in France found themselves strong enough to avow their real principles and designs, their mischievous system commenced, and they began to disturb this and other countries, under the name of reform; they had proceeded wisely, if wisdom could be said ever to attend iniquity; they had proceeded to obtain the assistance of the people of different countries, well knowing that their system could not be established in their own, without such assistance; and they found, as naturally they expected to find, men of profligate morals and desperate fortunes in many places ready to enter into their views. Accordingly, in the beginning of the year 1792, we found that a correspondence was established for the purpose of disseminating principles utterly inconsistent with the existence of the constitution of this country—he would say more, inconsistent with the existence of any constitution, or any form of Government in this world, where there was any law, morality, religion, or order. In this situation, His Majesty had been advised to warn his subjects of the pernicious tendency of such principles, and the dissemination of them; accordingly, His Majesty issued his proclamation in May, 1792, on which the two Houses of Parliament addressed His Majesty, in becoming terms of affection to his person and family, and inviolable attachment to the constitution; precisely at this period it was, when these Societies came forward for a purpose to which it was extremely material for their Lordships to attend;—they began

their operations by endeavouring to corrupt the minds of the lower classes of the Public, by disseminating pamphlets, containing the whole of their system: they passed a resolution on the 18th of May, 1792, to distribute a cheap edition of a book, entitled, "Rights of Man." Here was the foundation of that system which had since ripened into treasonable practices by subsequent proceedings, which were followed up with incredible diligence and activity: this was increased by the success of Dumourier in the Low Countries, which demonstrated the views of the parties, as well as their avowed concurrence with the National Convention of France, which was manifested by an address presented on behalf of these Societies to that Convention, and the answer to it, which was, that the National Convention applauded the spirit of British Republicans, and that they trusted the moment was not very distant, but was fast approaching, when a National Convention should be established in England. His Lordship said he was induced to look at first on this as a wild, absurd, sally of invention, with which the proceedings of that assembly seemed to teem; but on looking at the subsequent proceedings of the English Republicans, he found it was only part of a systematic plan for the subversion of the constitution of this country: this would be as evident to their Lordships as it appeared to him, if they looked on the names of the persons who had been admitted members of these societies afterwards; they were members of the Convention, who had, in the whole of their speeches and conduct, been marked by the most decided hostility to the constitution of this country; and they had brought us to the necessity of arming against them in our defence, and almost at this very moment, when we were arming for our own defence, and in support of our constitution, these Societies made honorary members, and entered the speeches of these persons in their books—the speeches of Barrere and St. Andre; Roland was also admitted an honorary member.

It was really with astonishment that he at first read the speech of Barrere, in particular where he stated that it was false that the people of England were adverse to the proceedings of the Convention, which brought on the murder of their King; he allowed that some individuals in this country had expressed some disapprobation of that event, but insisted it was by no means the general feeling of the people of England. This was the speech which the Members of the society for Constitutional Information were pleased to applaud. Besides this, their Lordships would perceive in these societies, a studious imitation of the proceedings of the National Convention; they adopted all their phrases in speaking, and all their forms in transact-

ing business; and it was thus he maintained their sentiments to be similar to those of the National Convention. All this proved, to his mind, that their views were to familiarize the lower classes of the people of this country to these proceedings, in order to prepare them to come to a resolution for the destruction of all rank, distinction, and order in society; every thing was to be swallowed up in the Jacobinical term, Citizen. If he was speaking to an assembly less enlightened than their Lordships were, he was confident he should have no difficulty in convincing them of the drift of all this; but, what was still of more importance, their Lordships would see there was not any one of the papers of these societies, contained in the Report, which did not contain, not implied but avowed, expressed approbation of the principles of Government maintained in the National Convention of France—principles which their Lordships well knew to be utterly subversive of all Government, and all order in society, and a direct attack on the Constitution which we now enjoy; and the persons who concurred in these sentiments, disseminated them with incredible industry among the people of this country at large, and with more industry among the lower orders than any other; every speech that was seditious, every publication that was seditious was disseminated among men who were the most likely to be led by their passions, in hopes finally of introducing anarchy and confusion in this country; for this purpose their Lordships would find that they had carried on correspondences in various parts, in almost every considerable manufacturing town in the kingdom, and where similar resolutions had been entered into, in short they had proceeded with fanatical enthusiasm in the cause of wickedness; they had at last determined to call what they termed a British Convention; in October, 1793, they took measures for this purpose, and a Convention actually met in December following, and they afterwards dared to censure the proceedings adopted with respect to those who were Members of that Convention, and to insult the Justice of their country: his Lordship then proceeded to read extracts from various parts of the Report, and maintained that in several parts of it open resistance to the law was recommended, and that in no part was there any thing evinced like a disposition to apply to Parliament. In one part it was stated, "that the law ceases to "be an object of obedience whenever it becomes an instrument of "oppression." Then was stated, as an instance of this oppression, the trials and punishment of the Members of the Convention at Edinburgh, together with high panegyrics on the virtues of these individuals; couple this with the sentence—"We see with regret, but we see without fear, that the period is fast approaching when

the liberties of Britons muſt depend, not upon reaſon, to which they have long appealed, nor on their powers of expreſſing it, but on their firm and undaunted reſolution to oppoſe tyranny by the ſame means by which it is exercifed." He would now aſk any honeſt man to lay his hand upon his heart, and ſay whether he did not really believe that the true ſpirit of this ſentiment was to inculcate the doctrine of diſobedience to the exiſting laws, and to repel by force, every attempt to enforce ſuch laws. His Lordſhip then took notice of the account of the proceedings of the meeting of the London Correſponding Society, at the Globe Tavern, on the 20th of January, 1794, which he cenſured as a piece of extravagant licentiouſneſs, which he would not offend their Lordſhips by reading. They then, he ſaid, proceeded to animadvert on Parliament in a ſtrain too indecent for their Lordſhips to hear repeated; and then they complained of the Adminiſtration of Juſtice in Scotland and in Ireland. It was ſtated—" If we look to Ireland, we find that acknowledged privilege of the people, to meet for the ſupport and protection of their rights and liberties, is attempted by terrors, to be taken away by a late infamous act of Parliament." In Scotland—" The wicked hand of power has been impudently exerted, without even the wretched formality of an act of Parliament." Here it was held out in one caſe, that an act of Parliament was an infamous act, and in the other, that an act of Parliament, if theſe ſocieties ſhould diſapprove of it, was to be conſidered as a wretched formality; both tending to one point, namely, that the authority of either was to be reſiſted by open force. It was ſtated indeed that they looked for a parliamentary reform by legal means; but was any man ſimple enough to believe that they were ſincere in this declaration; on the contrary, was it not evident that the whole of their plan was to bring Parliament into contempt in the eyes of the Public? He charged the authors of theſe proceedings with nothing leſs than an intention to introduce into this country the anarchy of France, and he would ſay, that their deſigns were not only criminal, but treaſonable. Their object was not a parliamentary reform, but the deſtruction of our monarchy: the deſtruction of that Houſe, and the deſtruction of the Houſe of Commons; the ſubverſion of all law, order, rank, diſtinction, property; with nothing leſs than this did he charge the authors of theſe proceedings, and he would ſay again theſe were treaſonable practices. To maintain this aſſertion he need only to advert to ſome paſſages, in which they ſtated, in the moſt inflamed and treaſonable terms, their views. It is aſked by what means ſhall we ſeek redreſs? " We anſwer, that men in a ſtate of civilized ſociety, are bound

to seek redress of grievances from the laws, as long as any redress can be obtained by the laws," (then followed a text from scripture, which he would not repeat,) but the conclusion was, we must have redress from our own laws, and not from the laws of our plunderers, enemies and oppressors: here the people were told again, that all obligation to the laws ceased, for the Houses of Parliament were filled with their plunderers, enemies, and oppressors. They then proceeded to create themselves into a Convention to set Parliament aside altogether. These were treasonable acts, and their Lordships were no more to believe the professions of these men, that they only wished for a parliamentary reform, by legal means, any more than the defence of a murderer in a court of justice, if he should declare his intentions were good. His Lordship then proceeded to take notice of the meeting at Chalk Farm, on which he animadverted severely, and in the course of which he observed, that a little before this time, an opinion had been given in another place, in which he concurred entirely, namely, that if the law is not sufficient to suppress these proceedings it ought to be strengthened, as it must be allowed, that many of these proceedings were had in contempt of the established laws of the country. He had no doubt whatever of these being treasonable practices. He would not, he said, disgust their Lordships by reading the resolutions entered into at Chalk Farm, as they had heard them read by the Clerk at the table, they were such as evidently shewed the violence and intention of this society. From these it was manifest, that they, in the most undisguised manner, had exhorted the people to arm, and that the occasion of their assembling, and the cause for which they met, was not to be decided by Parliament, but by that illegal meeting. This, he contended, was calling on the people to rise in arms against Parliament; it was endeavouring to alienate them from their allegiance; it was an avowal of treasonable purposes, as exhorting the people to resist the laws. From a view of all these facts, and from the general view of their proceedings, he was convinced that there existed a treasonable conspiracy, for the express purpose of superceding Parliament, annihilating the Legislature, and introducing guilt, anarchy, and confusion in the kingdom. This was the conclusion drawn by their Lordships' respectable Committee; it was the conclusion which he drew from the circumstances; and, if it was conclusive to their Lordships, they would proceed with dispatch in adopting such measures as would put a stop to the spreading evil. In some of the societies, he remarked, that proposals had been made for providing arms for the Members; and if any thing was wanting to carry conviction to the minds of the most incredulous

persons, of their treasonable intentions, the circumstance of their arming their friends must be sufficient. When this fact was established, that they armed to effectuate by force, if possible, what they could not otherwise accomplish; for his Lordship could not have a doubt of the issue of such a trial, it was a necessary caution to put the Executive Government on their guard against what might be otherwise productive of a civil war. If it should be advanced, that the measure which he had to propose to their Lordships, was strong or harsh, the necessity of the case required that it should be carried into execution. If it were argued, that there was incongruity in adopting a measure that would attach to the whole, because a part was criminal, he would argue, without meaning any personal compliment to those with whom he acted, that their Lordships might repose with safety in the clemency, and mild exercise of any power vested in the Executive Government. If it were said, that the tools and instruments of those who formed those alarming meetings, were miserable obscure individuals from whom no apprehension could be justly formed; he would answer, that where conspiracy was proved, danger existed. If it was said that conspiracy was not to be dreaded in which men of rank were not among the conspirators—he would answer, that if their Lordships looked into the page of history, they would find that the overthrow of all Governments had been effected by obscure individuals, and that almost all conspirators were bankrupts in character. With respect to the Revolution of France, the majority was adverse to the measure; and an able writer, and a man of veracity, asserted, that just previous to its happening, there were not 200 persons in all France who wished for it, and Roberspierre himself was regarded for a time as a madman in the National Convention. It was want of early caution and vigorous measures in the Executive Government that enabled these desperate characters to succeed; we, in the present instance, should regard the fate of the monarchy of France as a lesson. Therefore, though the individuals were insignificant in number, in talents, and in character, that was no reason for not checking their proceedings, for they might soon become dangerous if suffered to proceed. Previous to the great rebellion, in which Cromwell made so conspicuous a figure, he was considered as a despicable character and a man of no note. But in the progress of that rebellion, he proved himself capable of vast designs, and therefore his Lordship trusted that the security of the country in the present crisis, should rest on something more than the obscurity of individuals. Having dwelt on this and other topics for a considerable

time, he concluded with moving, "That the bill for empowering His Majesty to secure and detain such persons as he may suspect to be conspiring against his person and Government, be now read a first time." It was read. His Lordship then moved, "That this bill be now read a second time."

Earl STANHOPE said, that differing from the Secretary of State in all his conclusions, he must oppose this measure; he considered this bill, as neither more nor less than a system for erecting a bastile in this country, and for establishing lettres de cachet, by which any man in the kingdom might be imprisoned for any length of time, at the will of Ministers, without proof, without reason, and even without trial, and after all without redress of any kind, for such imprisonment; he should have expected that when such a proposition, was only mentioned in a British House of Parliament, it would have excited general abhorrence. He said there was no situation in which such a measure as this ought to have been attempted, much less in which it could be justified, to this extent. He assured their Lordships he should endeavour to argue that question fairly and dispassionately. He was sure he had attended to the Secretary of State as well as he was able, and he hoped their Lordships would attend to him, for he required only a few minutes of attention, without prejudice or prepossession, and he thought he should do away all the grounds laid down in support of this measure; their Lordships would permit him therefore to state what the charge was against the Members of these Societies, and what was the ground of that charge. A Convention—A Meeting—Assembly, or give it what name you please, for the name was nothing, and the object every thing. A Convention had been agreed upon by these Societies; now upon this, two considerations presented themselves to our view, the object of the parties, and the means by which that object was to be attained. If these were legal, no honest man would be disposed to cavil about the name. He should take first, the charge. It was stated, that the object of the Members of these Societies was not to apply to Parliament for a reform; but that they intended to supersede the House of Commons, and to take upon themselves the power and function of legislation. He could not help saying there appeared to him to be great want of logic in that conclusion; for it was certainly very possible, he did not say it was adviseable, for a body of men to form a resolution for obtaining a parliamentary reform, and that legally, without any application to Parliament. He should again say he did not think it adviseable, because the parties were not likely to attain their object; but they might certainly do so

legally. He ſpoke the more freely upon this point, as he never had belonged to any of theſe Societies, and he did not approve of the meeting of a Convention, ſuch as theſe Societies propoſed; becauſe, however legal their conduct might be, it was not likely to be effectual: it had been tried already, and had failed, and was likely to fail again. It had been tried in the year 1780 and 1781. But the probability or the improbability of ſucceſs had nothing to do with the legality of the plan. To ſhew the ſucceſs of a plan for bringing about a parliamentary reform, without applying to Parliament, he would put a caſe which might eaſily happen. Suppoſe, for inſtance, that all thoſe who now poſſeſs the right of election ſhould determine not to vote at a future election for any perſon who did not undertake to agree to a given plan for a parliamentary reform; and ſuppoſe all thoſe who were ſo elected ſhould be faithful to their engagement; here would be at once a plan for a parliamentary reform carried into effect, without any application to Parliament, and yet it would be legal. But it was ſaid that theſe papers had extravagant ideas of reform; "Annual Parliaments and univerſal ſuffrage;" this was not peculiar to theſe perſons; he could ſhew to their Lordſhips that there was a perſon of the name of Richmond, who had held the ſame ideas. If therefore the Houſe would allow this Richmond to entertain theſe ideas, they muſt at leaſt tolerate the Members of theſe Societies. We were told that theſe Societies had expreſſed diſapprobation of the Parliament of Ireland, he ſhould ſhew them that the ſame ſort of intemperate expreſſions had been made uſe of with reſpect to the Parliament of England. He then proceeded to ſtate an account of a meeting, in the county of Kent, in the year 1780, with many great and reſpectable names; Members of that Houſe, among the reſt, the right honourable Tommy Townſhend.

Lord SYDNEY thanked the noble Lord for the polite manner in which he had introduced his name, but that he ever belonged to any Convention, he roſe expreſsly to deny.

Earl STANHOPE proceeded; he ſaid he never aſſerted that his Lordſhip was a Member of a Convention; he ſpoke only of a Kentiſh Committee, which he could prove that noble Lord attended. At this meeting were preſent a brother of the noble Secretary of State, Colonel Fitzpatrick, Mr. Fox, and many other high and diſtinguiſhed characters. They afterwards met in London and in Weſtminſter, and they ſtated ſeveral points for a reform in Parliament, and the meeting reſolved in a very ſpirited manner, and did not ſpeak of Parliament in very ſoft expreſſions. He did not ſay that all thoſe individuals agreed to theſe reſolutions, but the Society

agreed to them; and no queſtion was ever ſtarted upon the legality of the meeting, or of its meaſures. He then took notice of the quintuple alliance; they had agreed to call a Convention, preciſely as theſe Societies had done. Another meeting had been held in Scotland, and by the expreſs advice of the Lord Advocate, a Convention had been agreed upon; this he only mentioned to prove that there was nothing illegal in the word Convention. Their Lordſhips knew what the conduct of Mr. Pitt had been upon the ſubject of parliamentary reform. He then proceeded to the declaration of Sir George Savile, a character whom every one who knew eſteemed; this great and good man had in his letter to his conſtituents, made uſe of much ſeverer words with reſpect to Parliament, than theſe Societies had done in any of their reſolutions, and inſtead of being blamed, he was revered for it. [Here his Lordſhip read Sir George Savile's letter.] He then took notice of the Duke of Richmond's letter to Colonel Sharman, in which his Grace ſtates he has no hopes of any reform from the Parliament, but that the people muſt do every thing for themſelves. If their Lordſhips, therefore, were to ſend to priſon any of the Members of theſe Societies for diſreſpectful expreſſions to Parliament, they muſt ſend with them, for the ſame offence, Citizen Richmond. As an inſtance of the freedom taken with the character of Parliament, he quoted the letter of the right honourable Edmund Burke to Sir Hercules Langriſhe on the ſubject of the corruption of Parliament. He ridiculed the idea of a conſpiracy where every tranſaction had been printed in the public newſpapers, and maintained that if what was now ſtated in the Report was illegal, Government ought to have proſecuted them long ago. One part of the charge againſt theſe Societies, was, that they had circulated a cheap edition of the Rights of Man. Now, upon this point, their Lordſhips ought to know what the Secretary of State did not mention, he believed he did not know it himſelf, but it was extremely material. The Attorney General of that day, Sir Archd. M'Donald, had indicted Mr. Paine, the author of the Rights of Man, and that book had been declared by a Jury a libel on the Conſtitution of this country. In all the cheap editions of this book, circulated by order of thoſe Societies, the parts ſelected by the Attorney General, were omitted, therefore the inference was, that the book in that ſtate was a legal publication, for their Lordſhips would not preſume that the Attorney General had ſo neglected his duty as to paſs a public libel by, without inſerting it in the indictment. He then took notice of the charge of theſe Societies having admitted Barrere and Roland as honorary Members of this Society; there was nothing on the face of it illegal, for the ſpeches

of these persons were not stated in the Report, and their Lordships had no evidence of their unconstitutional tendency; besides, the Secretary of State mistook the situation of Roland; he was not a Member of the Convention, it was impossible he should, for he was a Minister, and placemen did not sit in Parliament in France. He must maintain, that if any complaint was to be exhibited against the Members of these Societies, for adopting of any part, or applauding the sentiments of these speeches, we should have evidence of the speeches themselves. The Secretary of State had hinted at some parts of these speeches; but not a word was said of their contents in the Report. Besides, he maintained that the Report itself was extremely unfair, and made up entirely against all the rules of evidence; parts of their correspondence, and those the most unfavourable, were selected, and the favourable ones omitted; whereas in point of justice and by the rules of law, the whole of the books of the Society should be quoted in the Report, and set forth at full length, that the House might not be called upon to judge from mutilated and detached passages, but fairly and equitably from the whole context, and, for aught their Lordships could know to the contrary, the whole taken together might not only be an innocent, but also a meritorious work. In one of their resolutions they stated, "that the friends of reform are the friends of peace; their principles can be promoted only by peaceable means: they know of no other method of obtaining the object they desire." On the subject of providing themselves with arms, his Lordship quoted the authority of Blackstone, in the first chapter of his first book of his Commentaries, wherein he states that the subjects of a free state have a right to keep arms for self defence; and also the opinion of Lord Hawkesbury, on the propriety of arming the people, who had said that there never was an instance of an armed people using their power to their own destruction; in which opinion he coincided completely, for he wished that instead of 30,000, we had 400,000 militia; were that the case there would be nothing to fear from internal commotions. But he must confess the whole of this measure appeared to be improper, and the fear pretended to be felt, was to be compared to nothing so apt as the windmill of Don Quixotte. But supposing there was any foundation for fear, how unjust was it that the freedom of all the people of England should be at the will of the Minister, on account of the misbehaviour of a few. He concluded with desiring their Lordships for a moment to reflect on the possible effect of all this. Suppose a stream of water that had often fertilized a beautiful plain, but had passed its boundaries, and for a time occasioned some trifling injury to the soil, a miserable husbandman would he be who endea-

voured to choak up the current. So it was here, the flowing of human reaſon Government had not the power of checking, but like the prudent huſbandman, they might with care direct it within its proper channel. So in the preſent inſtance, "do juſtice," ſaid he, "and give to the people peace, and then, my Lords, you may be able to guide their reaſoning, and keep it ſafely within its due limits."

Earl SPENCER ſaid he thought himſelf called upon by an alluſion which the noble Earl had made, to a meeting held in Kent, in the year 1780, at which he was preſent. He agreed that he had been there, and approved of the general purpoſe of the meeting; but if the noble Earl had examined any proper account of what paſſed, he would find that he did not go to the full extent, that other perſons preſent had wiſhed to do, and gave his reaſons at the time. At any rate, the ſentiments and the proceedings of that meeting were very different indeed from what ſeemed to actuate thoſe Societies to which the preſent bill applied. He juſtified the meaſure as expedient, politic, and founded upon abſolute neceſſity, ariſing from the emergency of the caſe, and gave his hearty ſupport to the motion before the Houſe.

Lord HAY (Earl of Kinnoul) ſpoke at conſiderable length on the ſame ſide, and ſtrongly vindicated the meaſure as becoming the wiſdom of Adminiſtration, and the moſt adequate to the caſe.

Lord BORINGDON ſaid he approved of the meaſure, becauſe, though a ſtrong one, he was convinced that the neceſſity of the caſe called for a ſtrong meaſure. Two years ago he had ſeen what, in his mind, were the ſeeds of all the miſchief that had ſince happened, and it was full time that a proper check ſhould be put to the progreſs of ſuch deſtructive proceedings. He was no Alarmiſt; by that he meant, that he felt no idle, weak, or unmanly alarms, and was as much for the rights, a fair, pure, equitable rights of man, as any body; at the ſame time, being no friend to the modern ſyſtem of France, or innovating metaphyſical principles, it became his duty to be alarmed when he thought any attack was attempted to be made upon the Conſtitution of the country. The exiſtence of a moſt dangerous conſpiracy againſt the Government of this country was evident, unleſs it could be ſuppoſed, that the Committee had abuſed the confidence repoſed in them; or that the ſame words in the Engliſh language were capable of different ſignifications. He agreed perfectly, that no force could ſtop opinion; but thought, nevertheleſs, that a prudent foreſight might avoid many evils which negligences would encourage beyond all power of repelling. He thought the moſt valuable right he had was that of protection from the laws under which he lived. While he acknowledged danger from the

existence of certain machinations, he was confident that the wisdom of a very great majority in the kingdom would lead them, at no risk, to undervalue the blessings they at present enjoy under this Constitution.

Lord THURLOW said, that before going at all into the question, it was proper to notice the manner in which the bill had come into that House. He considered it first as founded upon the King's message; and next on the proceedings which had since taken place upon it in that and the other House of Parliament, and then it became the duty of both Houses to proceed in the business as they might see cause. In his opinion the Lords had acted in the wisest way, by taking it up in the manner they had done; but he could not help saying, that much of the debate that night had gone very wide of the mark. The only communication now before them, was the Report of their Committee, and the bill which was founded upon that Report. The general principle upon which he conceived the bill to be founded, was necessity; and when once that necessity was established, there was nothing so strong in the measure as ought to create any objection to it. If it was clear that the proceedings, which made the bill necessary, tended to produce that anarchy in this country which had prevailed in France, and certainly it must be allowed, that anarchy is the worst of tyranny, then it was necessary to adopt this measure, which, though it for a time seemed to infringe upon the principles of the Constitution, only took away just as much as secured the rest, which certainly was a wise and commendable policy. He reprobated the practice of introducing names of persons, or even allusions to those who were under trial; it was unfair, unjust, and unknown in the practice of the English legislature; they ought not to be prejudged or pronounced guilty before hand. From what he had seen of the Report, there were many things that, in his opinion, were seditious, but he did not think that they amounted to treason. There were other parts, which if they could be supported by evidence, certainly might amount to treason; particularly those parts where it was said to be intended to prosecute their system by force, and in opposition to the known laws of the country. This sort of declaration required punishment, and had its authors been punished at the time, it would have prevented their successors from having offended. But though they, to whom he alluded, had escaped, that could form no excuse for those who now wish to carry their schemes farther. He repeated, that from what he had seen of the Report, he thought there was ground for punishment, as far as punishment for misdemeanor goes; but he begged leave to decline giving any decided opinion upon the particular in-

ſtances of thoſe who were now very nearly under trial. He ſaid a very great miſtake ſeemed to exiſt reſpecting the extent of the bill, which in fact gave no additional power to the Executive Government, as to confining and detaining ſuſpected perſons, which they had not before, except this, namely that they could be ſo ſecured and detained for a certain time, without being brought to trial: why it had vulgarly been called a ſuſpenſion of the Habeas Corpus act, he could not tell; and yet it had been ſo called almoſt every time that a bill of this ſort was brought forward, for if this bill was paſſed to-morrow, the Habeas Corpus act ſtill would remain in full force, and magiſtrates acting under this act, muſt conſider that to be the caſe, and act with proportionate caution. He recurred to the different periods in hiſtory, when this act had been moſt the ſubject of parliamentary diſcuſſion. In the reign of James I. and Charles I. In Charles the Second's time, it had been in diſuſe, and was renewed in the year 1704. A bill of this ſort had been at different times brought forward, in caſes where an actual inſurrection roſe, or where conſpiracies were ſtrongly ſuſpected, although they were of ſo hidden a nature that they could not be traced at the time; and in the laſt caſe it became prudent and neceſſary to ſecure and detain perſons ſuſpected, till ſuch conſpiracy could be traced. As to the crimes charged in the Report, certainly many perſons might be committed under this act, but he thought moſt of them could be brought before the common courts, whether this act paſſed or not. It was the duty of magiſtrates to attend particularly to the laws in caſes of impriſonment, and he alluded to the particular caſe of the impriſonment of Lord George Gordon, which he ſeemed to think too long, and the ſentence too ſevere. With regard to the manner in which any additional diſcretionary power put into the hands of Miniſters might be uſed, he muſt ſay, that he would not have the leaſt heſitation in riſking his liberty, his property, and his life, in the diſcretion of the noble Secretary of State, and believed he could no where be ſafer. But this matter of opinion was not a fair argument when any extraordinary power was to be given to the Executive Government. In ſuch inſtances, nothing more ought to be truſted in the hands of Miniſters than the urgency of the caſe required; to argue in that way would be to diſtinguiſh the officer from the office, and might put in the power of a bad man, what a good man never would do if he had the ſame power. In all caſes where puniſhment was merited, the beſt remedy to prevent ſimilar offences, was to puniſh in a ſpirited manner. He then mentioned a pamphlet which had that day been put into his hand, reflecting highly upon the Judges, and many Members of that Houſe; it was diſgraceful and indecent,

fuch as he thought never ought to pafs unpunifhed. He confidered, that vilifying and mifreprefenting the conduct of Judges and Magiftrates entrufted with the adminiftration of juftice, and the laws of the country, was a crime of a very heinous nature, moft deftructive in its confequences, becaufe it tended to lower them in the opinion of thofe who ought to feel a proper reverence and refpect for their high and important fituations; and when it was ftated to the ignorant and the wicked, that their Judges and Magiftrates were ignorant and corrupt, it tended to leffen their refpect for the laws of the country, becaufe they were taught to think ill of thofe who adminiftered them.

The Earl of LAUDERDALE faid, that he had attended particularly to the Report, which had been made to their Lordfhips, but could not find out in that, or any circumftance connected with it, the leaft ground for the very ftrong and alarming meafure, which it was intended in the prefent inftance to introduce; an innovation and infringement upon the Conftitution of the country, unwarranted by any principle of policy, neceffity or precedent, that could be mentioned, and coming only as one of thofe extraordinary and unheard of meafures, which the prefent Adminiftration had been daily introducing as part of their fyftem for the laft two years. It certainly, though the greateft, was not the only innovation which they had lately brought forward; they had begun with an Alien bill; then a traiterous correfpondence bill; they had proceeded to bringing foreign troops into the kingdom, and raifing voluntary fubfcriptions without the confent of Parliament, meafures fufficiently novel in their nature to roufe the feelings of alarm and diftruft in Britifh bofoms; and now all thefe meafures were to be followed up by this bill, which, whatever might be the opinion of other noble Lords, he would contend amounted to a fufpenfion of the Habeas Corpus act; the whole forming a chain of revolutionary meafures tending to eftablifh in this country a new fyftem of revolutionary Government. When he reflected for a moment upon the fuppofed dangers to which the Report alluded, or even for argument fake, allowing them to be as great as the alarms of fome had exaggerated them to be, and compared that with the ftrong and daring meafure propofed as a remedy, every well-wifher to his country muft agree, that the remedy is far more alarming than the danger poffibly can be. Ten years ago, when fchemes of reform, precifely the fame as thofe avowed by thofe Societies were propofed, countenanced, and encouraged by the Duke of Richmond, and others of His Majefty's prefent Cabinet, no fuch thing as a bill to fufpend the Habeas Corpus act had ever been thought of. The noble Secretary of State had allowed that the confpiracies which he

dreaded so much, were only formed amongst the refuse of the people, but he had taken care to state also, the great mischiefs that had frequently arisen from the most obscure individuals; and though the numbers were by all said to be very inconsiderable, yet their power was rated very high, and their proceedings were to be dreaded as most important, so much so that they were to overawe and control the functions of Parliament, and overturn the Constitution itself.

Now what was all this but mere assertion; had a single fact been produced that proved the truth, or even the probability of this being well-founded? Not one. Who was there that supposed that Lovet and the 200 madmen whom he was said to have collected, and they certainly were madmen who could have formed such absurd notions of their own strength and power, to carry their wild ridiculous schemes into execution—who was there in that House, or in the country, who could say that any serious mischief was to be dreaded from such men, or who believed that if he was so mad as to make the attempt to collect persons for such purposes, he would have got twenty to assemble? The whole contents of the Report were what Ministers, that House, and the country at large, had been fully acquainted with for the last two years; and if they were proceedings of the alarming nature now described, Ministers were highly culpable, nay criminal, in allowing them to pass unnoticed so long. What were the materials that proved this dark and hidden conspiracy? Seditious papers, that had appeared in every newspaper in the country, and treasonable writings, that had every where been handed about, printed, published, and circulated for the last fourteen months; nay more, so little mischievous had they been thought, that these seditious and treasonable proceedings, from which alone the conspiracies were to be proved, had been for a considerable time back a source of revenue to the very Government which they were intended to overturn and destroy; in short, upon this point it was clear that Ministers had long been perfectly acquainted with the whole proceedings which they now thought so dangerous, and had been nursing the conspiracies till it suited their own purposes to bring them forward, for the purpose of keeping up that system of alarm and terror which it was so much their interest to do, in order to divert and draw off the attention of the country from the calamities and disgraces which their mal-administration had brought upon it; and the whole of their proceedings, he insisted, bore him out in this assertion, from the first proclamation calling out the militia, down to the present measure. Though the country was not altogether ready to come into their system at first, he owned they had gained considerable support from many who were

not accustomed to approve of their measures antecedently to this alarm: some of those, he believed, might have been actuated by an honest terror, and conscientious alarm, but certainly there were many of a different description, and who had shewn the most interested motives in the part they had taken. Yet, with all this support, and the additional benefit of their able Councils and great abilities, what succes had attended the measures of Administration, and what had all this united strength produced? After being more than a year engaged in continuing a most ruinous and destructive war, had they arrived in the smallest degree nearer the object in view. Here he could not help recurring to the sage and prophetic advices, and admonitions given by a right honourable friend of his last year, with that profound wisdom, that deep sagacity, and bold manly reason that distinguished his character, when he pointed out the propriety and the necessity of putting an end to the calamities in which we were then involved, and which since that period had so much increased by an honourable negociation. Had these advices been attended to, the country might now have been in a very different situation. Had all our boasted internal resources, our powerful alliances, and all that the Ministers boasted as means of bringing about a speedy peace, produced that effect? Or were they more likely to bring about the desired end this year than last year? He believed nobody could say for Ministers themselves knew that they had brought the country into a deplorable dilemma, out of which they could not themselves pretend to tell when we were at all likely to be extricated. Much praise and much honour was due to the gallant conduct of the brave Sir Charles Grey, and his successful army; but however highly they deserved the panegyric of their country, it was melancholy to reflect, that those measures only served as the means of delusion to encourage this country to go on with a ruinous war, the objects of which had been entirely changed since its commencement; for what was the acquisition of Martinico to the projected conquest of France, and the object of forcing of a Government upon that great country? or was it to be supposed that the rulers in France, be whom they might at the time, would put in competition such successes on our part with their own heads, and relinquish their exertions in defence of their country? Throughout the whole duration of the war there had never been very flattering prospects for this country, and certainly less so now than ever. We have found already that one of our allies cannot go on unless he is paid, and another is under the necessity of borrowing money in this country, which is nearly the same. All these circumstances are much more serious and important, and much more fit for the con-

sideration of Ministers, for the House, and for the country, than those idle and flimsy pretexts which have been conjured up to alarm the country, when, in reality, the only purpose is to blind the people, and bring them into their own views. The only thing that makes the present measures so little surprising is, that it is a continuance of the same system, which Ministers have uniformly practised ever since they came into power. Again, to mention the proceedings of these societies, if they are criminal, certainly the creators of them, and the principles they avow, are much more so: He had already mentioned some of them. He would then call their attention to the famous letter of the Duke of Richmond to Colonel Sharman, which was certainly as strong, and in every particular almost the same in substance, as the doctrines laid down in Paine's works on the subject of parliamentary abuses. There were others of His Majesty's Ministers, who, in conjunction with Mr. Horne Tooke, whom he heard they had committed to the Tower, had signed resolutions, and avowed their principles to be the same as contained in that letter. He then reprobated their mean and shameful apostacy; since, from all their former opinions and principles, from all which it was easy to see, that the struggle was not, as had formerly been the case, between two contending parties, but that it was between their own existence in power and the existence of the Constitution itself. It certainly would become them to be more cautious, and less inattentive to the true principles of the British Constitution, than their late and present conduct shewed them to be. In the present measures, which was a greater infringement than had ever been made before upon the Constitution, they seemed to reject and treat with scorn and despise the wisdom of their ancestors and all precedents. In every former case, where a suspension of the Habeas Corpus took place, it was founded upon some open overt act, and not upon such ridiculous and untenable grounds as the Report on the table held out. Whatever respect the noble and learned Lord, or any other person might have for a Secretary of State, he should be extremely sorry to see any Minister vested with an extraordinary discretionary power greater than the exigency of the case required, whatever his character might be. Noble Lords might recollect what had happened after 1715, in Sir W. Wyndham's time, when very respectable country gentlemen were brought up from Norfolk and confined. At that time, however, there was an open rebellion in the country. In 1722 the bill was founded, not upon such papers as those in the Report, but on a specific declaration contained in the King's message. In 1745 the situation of the country was similar to what

it had been described in the former cases. All that time, till within the last twelve years, there had been a Pretender and a Jacobite party in this country: Members of both Houses of Parliament had been notoriously of that party. Other Ministers had never thought of suspending the Habeas Corpus act, under those circumstances, and it might have been better had it not been attempted now. From this he might conclude, that either the Habeas Corpus act ought never to have existed till within the last twelve years, or that it ought never to exist again. His Lordship then recommended pursuing a system of moderation and wisdom, as much more likely to produce good effects than the present conduct of Ministers, and asked, if what they had done did not succeed, where they might be expected to stop? Next year they might probably find themselves in a similar, if not in a worse situation, and they must go on with some further infringement upon the Constitution, for being once embarked in this sea of innovation, there could be no guessing where their revolutionary system may end. It was neither with Robespierre nor Barrere that the French revolution began; they would all recollect the virtuous Duke de Rochefoucault but to reflect how far the Revolutionary system had carried. France from what he in the first instance, wished and expected was to him a subject of regret and abhorrence. He dwelt on the dangerous tendency and consequences of unnecessary innovation, either in producing anarchy or despotism, equally destructive to the real liberties of mankind. He spoke of the sufferings of Poland and of France, from the Revolutionary system, particularly the former, which must excite the sympathy and compassion of every free and generous people. He came next to consider what had been said about the real intention of those societies not being favourable to a reform in Parliament, and quoted some passages from Mr. Burke's letter to his Constituents at Bristol, almost in the same language, and precisely the same in substance as the arguments used in the papers of those societies; but what might then be thought good and praiseworthy, from that grave, orthodox political divine at that time, was now to be reckoned treason from those societies. He then noticed the precedent of 1777, when the bill then brought into Parliament, only affected a particular description of persons specified therein, and did not go a step farther than the exigency of the case required. In the present instance, as all the mischief must come from the few hundreds who belong to those societies and clubs, the operation of the bill ought only to extend to them; this would have been an effectual remedy, had their purpose been only to meet the real evil with an adequate remedy, but that could not have answered

the other purpofes of deluding the people as had been done, all along; refpecting the war, Minifters never had been able to fhew any reafon why it was improper to treat or negociate for a peace, and therefore it was neceffary to keep up a conftant alarm in the minds of the people, and by addreffing their paffions, to lull their reafon and reflection afleep. He remarked that two letters, one to the fociety of the Friends of the People; and their anfwer, had been inferted in the Report. A fociety to which he and many of his friends had the honour to belong, which though the Secretary of State had not taken the leaft notice of, yet it was clearly the meaning of Minifters by placing them in the Report, to throw upon that fociety fome degree of obloquy, which they had no probability of proving that they in the fmalleft degree merited. A fociety which he would fay had no difpofition to imitate minifterial apoftacy, but would, as long as they were able, endeavour to obtain by legal and conftitutional means the important object for which they affociated. He reprobated in ftrong terms the fyftem purfued by Minifters, as fimilar to the conduct purfued in France, and equally deftructive in its confequences; and he augured the worfe from the fudden ftarts they were making from one innovation to another, upon flimfy pretexts, to anfwer the worft of purpofes. He contended that an open, bold, and manly conduct, was beft fuited to the Conftitution of this country, and that Minifters, by fpreading falfe alarms and artificial terror, had abandoned the example of our anceftors, and adopted what muft lead to the difgrace and ruin of the country. He proved by the ftrongeft reafoning, that the fyftem of terror of the ruler in Paris had ruined France, and occafioned the overthrow of Danton's party, the maffacres of the 10th of Auguft, and the death of the unfortunate King. He again mentioned the Alien bill, Traiterous Correfpondence bill, and the whole of the fyftem for the laft two years, as proceeding from terror, being only conducted by previoufly inftilling fuch a fear in the people as mifled them to believe thofe unconftitutional meafures neceffary. Having concluded his arguments againft the bill, which he delivered with great animation and eloquence, the noble Earl founded the motion he was about to make upon the 26th ftanding order of the Houfe, which is, that no bill can be read twice on the fame day that it has been brought in—this, like every other ftanding order, cannot be difpenfed with, unlefs by the unanimous concurrence of the Houfe; but if any Member move that a ftanding order be read, it cannot be difpenfed with; this, coupled with the precedent in 1722, on this order, induced him to move, "That the Houfe do now adjourn." He defired the order to be read.

Lord GRENVILLE said, the precedent in 1722, was an answer to the noble Lord's observation, for it was then stated, that it being objected to read the bill a second time, the House after a debate came to an unanimous resolution to dispense with the standing order, and the bill was accordingly read a second time, and passed almost unanimously.

The Earl of LAUDERDALE said, that the precedent did not shew that the debate had been about dispensing with the standing order, but that after a debate upon the second reading of the bill, it had been unanimously agreed by their Lordships to dispense with the order.

The Earl of ABINGDON said, that in the year 1777, that is, pending the American war, he voted and single-handedly protested against the bill that was then brought forward for a suspension of that great bulwark of our Constitution, the Habeas Corpus Act; in the year 1794, pending the present war with France, he should vote for its suspension, and would give the bill for this purpose all the support in his power; and precisely on the same ground, and for the same reasons, that he voted against the other bill—" For *that* war (said his Lordship) was a war upon our friends and fellow-subjects in America; whilst *this* is a war, as it were, with " *original sin*;" that is, with our ancient and ever to remain inveterate enemies; and not only *our* enemies, but the enemies of all mankind—let me add the enemies of God and Nature." *That* was a war of *Cavaliers* against *round Heads*, of *High Church* upon *Low Church*, which he then opposed: *this* is a war (by way of retaliation too) of *round Heads* against *Cavaliers*, of *Low Church* upon *High Church*, in order to *No Church*: and this he now opposed, both being equally adverse to the tolerating spirit and the free Constitution of this country. The principles, it is true, were the very converse of each other; but the motives of conduct in him were still the same, namely, to preserve the interests of the British Constitution. These were his reasons for the vote he should give, and to which he could add many others: but long speeches, like great books, were great evils; and if one reason will do, as Hudibras says, what need of two?

The Earl of MANSFIELD remarked on the obscurity of the persons who composed the societies, as a circumstance that would render the success of their intentions more dreadful. He had much confidence in the good sense of the people of this country, and their attachment to the Constitution, but the question for their Lordships to consider was, " Would they nip the seeds of anarchy in the bud, or suffer them to be blown abroad by every wind—would they

ſmother the flame on its firſt appearance, or ſuffer it to blaze into a conflagration?" Under ſuch circumſtances as the preſent, it was not walls and towns, it was not fleets and armies that conſtituted the defence of a nation, but the vigilance of the Executive Government. If we looked to the horrors which France preſented to our view, was it terror that had occaſioned the commiſſion of the unexampled atrocities in that unhappy kingdom? Was it terror that provoked the murder of their Sovereign? Was it terror that had juſt inſtigated them to the murder of a Princeſs (Madame Elizabeth), who, to all the ſofter virtues of her ſex, added patience and fortitude that would have done honour to the moſt heroic times? Our meaſures of precaution were not to be calculated on the probability of ultimate ſucceſs, but on the magnitude of the evil with which we are threatened. Let their Lordſhips figure to themſelves a Convention, ſuch as the ſocieties propoſed to aſſemble, uſurping an authority paramount to that of Parliament. Happy, in ſuch a caſe, would be the lot of that man who ſhould be the firſt to fall by the Engliſh guillotine, for he would have the conſolation of knowing that he was to be buried in the ſame grave with the Conſtitution—To their Lordſhips it would be irreparable ruin. Notwithſtanding all that, in ſeaſon or out of ſeaſon, was aſſerted to the contrary, he ſtill hoped we ſhould be able to reſtore order and government in France; but if we ſhould not, and confuſion ſhould take place in this country, to whom could their Lordſhips apply for aſſiſtance or relief? To the Jacobins in France? The ſecurity of other noble Lords was to him an additional ground of fear; for if they were all equally convinced of the danger, they would all be equally zealous to guard againſt it. On the charge againſt Miniſters, ſo often repeated, after the declarations of both Houſes of Parliament to the contrary, that they had wantonly involved the country in a war, he ſhould only obſerve, that perſons once high in the eſteem of thoſe who made the charge, had claimed the excluſive merit. In a caſe of murder, would it be fair to accuſe any other perſon, when an honourable man ſtood forward and ſaid, *ad ſum qui feci?*

The Earl of CAERNARVON ſaid, he had as good a right to infer danger from the intrepidity of noble Lords who oppoſed the meaſure, as they to infer danger from his alarms. They ſeemed to argue as if no caſe could exiſt that would juſtify the ſuſpenſion of the Habeas Corpus Act; yet they admitted that it had been properly ſuſpended on former occaſions, in rebellion or threatened invaſion. On ſuch occaſions, a ſuſpenſion of the Habeas Corpus Act was not the proper defence; they called for arms and artillery. To domeſtic conſpiracy, and attempts to propagate ſecret poiſon, it was the

fit remedy. The virtue of the Conſtitution ought not to avail thoſe who were compaſſing its deſtruction. The exiſtence of a conſpiracy was fully proved by the language of the ſocieties. They complained not only of Parliament, but of the Executive Government, and therefore muſt wiſh to demoliſh the whole frame of the Conſtitution. The Report of the Committee ſaid, and he believed on good grounds, that they had been, and ſtill were preparing to diſtribute arms among thoſe whom they could bring over to their deſigns.

The Earl of DERBY ſaid, it had never been contended that no caſe could exiſt, which could juſtify the ſuſpenſion of the Habeas Corpus Act, but only that a caſe had not been made out in the preſent inſtance, which would juſtify ſuch an encroachment on the rights of the ſubject. The noble Lord who ſpoke laſt, ſeemed to think that the leſs the danger, the ſtronger muſt be the meaſure of precaution. If ſo, every fence of the Conſtitution might be broken down, and ſhould the fortunate period ever arrive when there was no danger whatever, not an atom of it would be left. The news of the day from France had been alluded to—No man could more regret than he the degradation which human nature ſuffered by ſuch acts; but he could not ſee how the mention of them had any relation to the queſtion in debate. A noble and learned Lord (Thurlow) had ſaid, that all the facts ſtated in the Report were highly ſeditious, but did not amount to treaſon. If they were only ſeditious, was not the ordinary power of law ſufficient to puniſh and repreſs them? The perſons charged with thoſe acts were now in cuſtody; where was then the neceſſity of new powers to bring them to juſtice, or to prevent them from doing future miſchief? This ſurely was a proof that danger, whatever it might have been, was now at an end. The noble Secretary of State, for the benefit of his argument, had dwelt on the numbers aſſembled at Chalk Farm. But did he mean to ſay, that all the perſons who happened to be preſent were implicated in the purpoſes of the meeting. He could not but know that in the neighbourhood of London, a very few perſons would ſoon collect a mob of ſeveral hundreds merely to ſee what was going forward. That the ſocieties were preparing to diſtribute arms, was ſtated even in the report as a mere preſumption, unſupported by any ſhadow of proof. For theſe reaſons, he deprecated a meaſure which he conſidered as called for by no adequate cauſe, and as an attack upon the Conſtitution. His inquiries had fully ſatisfied his mind upon the ſubject, and whether he acted with the majority or the minority, with ten or with twenty, it was the ſame to his conſcience. He feared no calumny, for he defied any man to quote an action of

his that was hostile to the system of liberty protected by law under which we enjoyed so many blessings.

The Earl of CARLISLE said, the learned Lord (Thurlow) had gone no farther than to say, that the facts stated in the Report were seditious in the highest degree; but whether they amounted to treason or not, it would be cruel to declare till they came to be decided upon by a jury. He entered into the reasons that had induced him to give his poor support to Ministers; reminded their Lordships of the small beginnings from which Lord George Gordon's mobs had grown to such a height, and defended the bill as essential to the safety of the Constitution.

The Marquis TOWNSHEND said, that, in his opinion, it was safer in a moment of emergency like the present, to confide powers in the Executive Government, than to leave it to individuals to take measures for their own security. Government, however, ought to be, and in his opinion they were, responsible for the use which they made of these powers, on this view he acquiesced in the present measure.

The Marquis of LANSDOWNE said, that it was the practice of all wise men to examine their measures by the rule of reason; and he recommended to their Lordships to examine the question of adjournment by that test. If ever a standing order deserved to be made into a law, it was that order which regulated the course of their proceedings, and gave to the people time to see and consider of the measures passing through the House, so as to enable them to come forward and assist Parliament with their advice. What possible inconvenience could there be in the delay of a day? Suppose that the city of London should come up with a petition to their Bar, would it not be for the interest of the kingdom that they should have the opinion of that respectable body? Ministers might perhaps wish to get rid of such an opinion, as it was suspected not to be so favourable to their views as it was last year; but surely Parliament ought, from considerations of prudence, as well as regard to their own dignity, to deliberate on a measure of such importance, and not to debar the people from presenting their petitions against it. There could be no cause for precipitation. The principal persons engaged in the terrible conspiracy, he supposed, were already taken up.— They could not escape; and there had been no tumult on the occasion; no attempt had been made to rescue them; no Habeas Corpus ever had been moved for, and there was no appearance in any part of the country to justify the haste of their proceeding. They should examine the precedents which were brought forward as grounds for the present measure by reason; and he would venture

to say that there was not one which would be found to justify the act by being in point. It was ridiculous to say that there was a precedent in this reign, and in that reign, because in this or that, the Habeas Corpus Act had been suspended. They might as well try to justify the present disastrous war by saying, that there had been wars before: no, they must shew that the precedent was founded in similar circumstances. Such a precedent could not be adduced. There was always heretofore a dire and urgent necessity proved, either of rebellion, insurrection, or of such real absolute necessity, as was made manifest to the minds of all men. Was this the case here? No such thing. No cause had been stated to justify the measure; and a noble and learned Lord had wisely said, that to strengthen the magistracy was all that the circumstances of the country seemed to require. It had been said, that Revolutions always sprung from the people, as an argument for alarm at the present inconsiderable persons being engaged in reforms. In his mind, the very contrary was the fact. Our Revolution was brought about by persons of rank against the general opinion—and even in France it was by leading men—by men of rank and condition, that the Revolution was begun—by men who saw and felt the oppressions of the Government—of that Government who, indulging terrors, had gone to most extraordinary lengths of irritation. Was the present measure either just or political? As to its justice, it had not at least been made manifest. Committees had been appointed in both Houses composed of Alarmers and Alarmists. In former Committees, impartial men had been placed, here they were all of one description, and their Report was full of capital inaccuracies. It gave no information what the law could do; how far it could go to correct the existing evil, nor did it prove to the satisfaction of any thinking man any real cause for such a measure. It talked of societies; he was ignorant of the societies; he knew nothing of them; but he looked at them with an eye of favour, as they seemed to be only sincerely desirous of obtaining a beneficial reform in Parliament. They sought the same object as the society that met at the Thatched House in 1782, and if any reproach attached to the one body, the same, or even greater, attached to the other, as the beginners. But what was the fact? The old Jacobins were persecuting the new. There was a vulgar proverb, which precisely described the parties, and applied to them. One set of men were best to catch another.—A smuggler was the best man to catch smugglers;—he would know all their tricks;—he would suspect their practices by a consciousness of what he would have practised himself, if he had not been admitted into a snug birth in the Customs; but though he was a proper person to catch his old

companions, would you invest him with powers to attack and ruin the fair trader? And as to its policy, if it was the general opinion of the country, that there should be a reform, it would be irresistible. If their grievances were real, they ought to be redressed, and that they had real grievances was certain, for the Commissioners of Accounts, appointed by Parliament itself, had reported on the enormous sinecures, expences, and burthensome offices of Government. They had complained of barracks, and surely there had been a time since the Revolution when the erection of barracks would not have given alarm and uneasiness to the country. It was not politic to push men upon these subjects. They would grow desperate if Ministers should thus go on, step by step, in encroaching upon their liberties. Then what was the benefit to be expected? That there should be no meetings for the discussion of popular subjects. Was that a state of society to be wished for? Was it wise to break the spirit, destroy the vigilance, and allay in the breasts of the people all zeal for the Constitution? Emigrations had been too frequent of late, not merely of people, but of wealth, industry, and talents. They would not diminish under such measures. A law against conventions, as in Ireland, though a harsh measure, would have been milk and water to this; and seeing it in this view, he believed that they had other than their professed objects in their contemplation. They wanted to train up herds of informers, as was done in the reign of Charles II. and even in that of King William and Mary, by whom men of another description from those now in jail were to be attacked. What Bishop Burnet said of the informers and forgers of these times, when the hands of Peers were so dextrously imitated as to elude their own detection, ought to make them cautious of a measure that might generate the same tribe. They ought not, upon mere school language, to give up the great security of British freemen. For himself, he entered a solemn protest against the measure, and as he might not be present again, against any farther measure they might attempt of a similar kind. He deprecated the delusions they were holding out; they knew well whether there were arms hoarded up in the country. No quantity of arms could be procured without their knowledge. The trade would know of orders to any extent, and they were so connected with the trade, that they would have immediate information. As to new-fashioned arms, and the dramatic representations of pulling out daggers from under their cloaks, it was too contemptible a manœuvre for the good sense of the country. He advised them to go upon a broader ground of wisdom, and upon a larger line of policy, if they meant to extricate the country from the dreadful abyss into which they had plunged it.

The Duke of LEEDS read a quotation from an anonymous author on the measure in the year 1722, (one of the writers of Sir Robert Walpole) against persons professing an ill-timed concern for the constitution, and covering their opposition to a necessary law, under the thin veil of patriotism. The present measure was serious, and would be criminal but for the dire and urgent necessity. He owned himself an Alarmist of a long date, ever since the month of November, 1792. He was convinced, that if they did not now arm Government with large powers, they would not long have any Habeas Corpus either to maintain or suspend.

The LORD CHANCELLOR said, he should not have occasion to go at much length into the question, as he had been so ably anticipated by other Lords. He would speak first as to the form and course of their proceedings. The precedent of 1722 was perfectly in point, only that so much pains had not been taken in giving to the House full information: surely, whatever objection might be made, it could not be alledged that it had not been fully discussed: there had been much extraneous matter, but on the real point at issue, there had been but little argument. After clearing away a vulgar error, that it was a suspension of the Habeas Corpus act, and that no action would lie for false imprisonment; that it was a full indemnity to Ministers for all acts, and gave them the power of lettres de cachet; and that it was a revolutionary measure; there had been no contest about the principle. It had been admitted, that if there were a Convention, or a meeting called by any other name, which aimed to give laws to Parliament and the country, this measure would be wise and salutary. The only difference then between them was about the fact—whether these Societies did really aim so to give laws to the country, or merely meant a parliamentary reform. To prove that, in his mind, they meant nothing so little as a parliamentary reform, which he contended was tried, settled, and extinguished in 1781 and 1782, he went over all the documents in the Report—described the late British Convention in Edinburgh, before it was crushed by the vigour of the Magistrates, which was altogether on the French model, with their President, their bell, their citizens, &c. &c., and which had obviously the French model in view in their proceedings. Their numbers he could not ascertain. They probably exaggerated their numbers themselves. He did not think them numerous, but they were at least tenfold the number of those who began the riots in 1780. It was easy to treat as imaginary all dangers that were checked in the bud. One of the finest poets had said,

"Treasons are never own'd but when descry'd,
"Successful crimes alone are justify'd."

He concluded, therefore, with saying that he had no doubt but the House would see the necessity of placing the confidence in Ministers which this bill designed, and that it was a seasonable measure of precaution to guard all that was sacred in the country.

The House then divided on the question of adjournment:

Contents - 9—Proxies - 2
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It was then moved that the bill be read a second time.

The Earl of LAUDERDALE expressed his hope, that at so late an hour, (past two o'clock in the morning) they would not push this question farther that night. It had been stated that they might likely receive a petition to-morrow. The standing order against reading a bill twice on one day was not unknown to the people; what must not that House sacrifice in character and in opinion, if they violated their own standing orders, in so marked a way, obviously to prevent the people from exercising their right of petitioning? Surely they would do more injury than they could obtain good by the hurry! The noble and learned Lord had said that the question of parliamentary reform was finally settled and put to sleep in 1782. He denied the fact. He was sure the Duke of Richmond would deny the fact, Mr. Wyvill would deny it. It was impossible to believe that the men whom Ministers had sent to the Tower could have entertained the absurd hope of overturning the Government, at a time when Government was so remarkably strong.— There were among them some men of as brilliant abilities as any men now living, (and he wished that they had always directed their abilities to good ends) and they at least could not be suspected of the folly of a scheme so ridiculous and romantic. The noble and learned Lord had said that this would not prevent an action for false imprisonment. He knew, that in 1715 it was understood that it did give complete indemnity to the Privy Council for all commitments, and he feared that this would be found to do the same. He conjured them, therefore, to go no farther for this night at least.

The question was put, That the bill be now read a second time, and carried in the affirmative.

It was then moved, That the bill be now committed, and which being carried, the House went into a Committee of the whole House, the Earl of Cathcart in the chair, and went through the bill.

The House being resumed, Lord Cathcart reported that they had gone through the bill without amendments.

Earl STANHOPE then moved, That the House do now adjourn, and the question being put, it was negatived.

It was then moved, "That the bill be now read a third time, and the House divided:

Contents, 92; Non contents, 7.

It was then moved, That the bill do pass. Ordered.

That a message be sent to the House of Commons, acquainting them therewith. Ordered.

PROTESTS

Against the Bill for suspending the HABEAS CORPUS ACT.

Die Jovis, 22do Maii, 1794.

Moved, That the bill, intituled, "An Act to impower His Majesty to secure and detain such persons as His Majesty shall suspect are conspiring against his person and Government," be read a first time.

The question was put thereupon.

It was resolved in the affirmative.

Then the said bill was read the first time.

Dissentient,

Because I abhor the idea of establishing a dangerous and unconstitutional system of *letters of Cachet* in this country.

STANHOPE.

Die Jovis, 22do Maii, 1794.

Moved, That the Habeas Corpus suspension bill be read the third time.

Read accordingly.

The question was put, "Whether this bill shall pass?"

Contents, 95; Not contents, 7.

Resolved in the affirmative.

Dissentient,

1st, Because no evidence has been laid before us, that this kingdom is at present in those circumstances of imminent danger and imperious necessity which alone, in our opinion, would justify even the temporary surrender of that sacred fundamental law which is the sole guardian of the personal liberty and security of our fellow-subjects. None of these circumstances, either of foreign invasion or of domestic insurrection, or of formidable conspiracy, now exist which induced our ancestors to commit their liberties to the perilous guardianship of a despotical authority. Instead of such an unequivocal public danger, which silences all deliberations and over-rules all laws, we are now required to vest an arbitrary power in His Majesty's Ministers upon the authority of a detail of the offences of individuals or societies, whose strength and numbers are not proved to our apprehension to be such as would justify such a measure as the present, especially as the ordinary operations of the law is sufficient to check the spirit which is supposed to prevail. One of the worst effects of the conduct of these Societies is their having operated as the instrument for former artificial panics, and as a pretext for former measures, in our opinion the most hazardous and pernicious. They continued the same conduct without in-

jury experienced by the Public, without accession of strength, without the proof of any change in their systems or designs. We cannot therefore without betraying the trust reposed in us, consent to resign the liberties of all our fellow subjects to the discretion of the servants of the Crown, on no better ground than that of a catalogue of offences which have been long notorious to the whole kingdom.

2dly, Because even the proof that some individuals entertain those desperate designs which have been ascribed to them would not, in our opinion, form any justification of the present measure. From the revolution to the complete defeat of the pretensions of the House of Stuart the wisdom of our ancestors did not deem the existence of a zealous, powerful, and indefatigable Jacobite party a sufficient reason, without overt acts of rebellion, or actual existing conspiracy, for subjecting the personal liberty of the whole kingdom to the will of Ministers. Miserable indeed, and precarious is our condition, if, at the pleasure of a handful of visionaries and incendiaries (characters which every age produces, and disguises which the agents of every Government may assume,) our liberties are to be laid under a legal interdict, and Ministers are to be vested with an arbitrary power over the persons of all the freemen of this realm.

3dly, Because, even if the danger had been as real and imminent as is pretended, it might have been provided against by measures far less odious than that of depriving the subject of those rights of personal security which distinguishes the British Constitution beyond any other free Government ancient or modern, and changing it for the time from a Government of law to a Government of will. One expedient, comparatively more moderate, is obvious, namely, to put the law respecting bail for misdemeanors which affect the State for a limited time on the same footing with bail in cases of treason.

4thly, Because this bill appears to us, under a still more melancholy and alarming aspect, when we combine it with declarations which have been made by considerable persons during the dependence of this bill. Even this, the utmost extremity to which our ancestors were ever driven, by the pressure of the greatest danger, is but the prelude to a system of measures (if possible) still more violent and arbitrary. These menaces too forcibly illustrated by some past measures, in our opinion of a rigour equally impolitic and odious, fill us with the most melancholy apprehensions that designs are entertained by a progressive series of encroachments, to annihilate all the rights of Englishmen, and to extinguish all the free principles of the British Constitution.

5thly. Because the precipitation with which this bill has been hurried through the House is both indecent in itself, and directly repugnant to two standing orders of this House, one of the 28th of June, 1715, and the other of the 28th April, 1699, standing orders which insure to this House the advantages of mature deliberation, and to the subject the invaluable privilege of petitioning against measures which, like the present, are subversive of his fundamental rights.

ALBEMARLE.
BEDFORD.
LAUDERDALE.
DERBY.

The following noble Peers were the Minority, in the division on Thursday, against the bill for suspending the Habeas Corpus act:

The Duke of Bedford | Earl Stanhope
Marquis of Lansdowne | Earl of Egmont
Earl of Derby | Earl of Thanet
Earl of Lauderdale | Lord St. John
Earl of Albemarle |

PROXIES.

Duke of Grafton | Lord Chedworth.

Friday, 23d May.

The Marquis of LANSDOWNE gave notice, that very recent accounts had been received from America, which appeared to him of so much consequence that he thought it his indispensable duty to move, "That the House of Lords should be summoned to take them into consideration on Monday next."

By a commission, eighty bills, public and private, were passed, among which was the bill for the suspension of the Habeas Corpus act.

Monday, 26th May.

The Marquis of LANSDOWNE rose and said, that it was not his intention to have troubled the House again this session, but though gentlemen might be supposed to secede from Parliament, through disgust or disapprobation of the measures of Ministers, yet he could not, consistent with his duty, avoid trespassing on their Lordships' patience, when any new matter occurred that called forth public discussion. He must, he said, take this opportunity to return his obligations to their Lordships in having honoured him with their patience during several long and tedious discussions, the more so as many of the questions agitated, were those on which their Lordships had made up their mind. With respect to the great points now pending, he had laid down a proposition for himself, that every measure they had used was repugnant to what experience ought to have suggested. He declared, that the present system of unqualified severity pursuing by Administration, was, in his mind, big with danger, replete with misfortune, and full of matter of great and weighty import. He conceived, that the real object of Administration should be ascertained, before their Lordships should submit to those trials which they wished to carry into effect. With respect to the country, he was far from stating, that it did not require some measures to insure a continuance of the public tranquillity, and the best means of effecting this would be by some necessary reform, which would tranquillize the public mind, and prevent the necessity of having recourse to those harsh and strong measures which Ministers had injudiciously

adopted. To preserve peace and the public security, he would recommend a reform in the municipal Government: he wished to see the different corporations consist of independent Gentlemen, capable of supporting the dignity, and properly discharging the duties, in their respective situations. He would wish to see the magistrates men of character and independent of Ministers. He did not much admire seeing His Majesty's Attorney and Solicitor Generals employed as they were at present; for a few days since he sent his agent to consult them on particular business, but the answer he received was, that they could not be consulted, as they were then employed in taking the examinations of persons suspected of treasonable and seditious practices. He conceived that the present alarm was a libel on the character of Englishmen, for every foreign Minister with whom he had ever conversed, were warm in their panegyrics of the people of England, whom they pronounced the most peaceable and least addicted to blood of any people on the surface of the globe. He was astonished when he had heard that the great Officers of State were employed in inspecting instruments of cruelty, calculated for the purposes of assassination. For their Lordships, according to the Ministerial rumours of the day, were not to be blown up, as formerly, by Guy Faux and his emissaries, but they were to be massacred by their merciless countrymen. On the subject of foreign affairs, he had at the commencement of the session, obtruded his opinion on their Lordships, and nothing which had occurred since, but served to confirm him in his former sentiments. There were none of their Lordships who could remain blind to the present situation of public affairs. Our situation was publicly known, and publicly spoken of, and nothing could appear invidious in dwelling on a topic, that ought to be deeply impressed on the minds of their Lordships. There was no man who had not been acquainted with the loss of our artillery. There was no man who did not contemplate with horror, the immense effusion of human blood! It was well known that the allies were not disposed to continue the war; and the number of sick since the commencement of the present campaign, which was but little more than six weeks, exceeded in number the amount of the sick during the whole of the last year! If their Lordships were to cast their eyes towards Holland, they would perceive the jealousy that existed there, in consequence of our West-India acquisitions, and the consequent monopoly of the sugar trade. If we look to the desperate situation of Italy with regard to France, there we shall also find a people who reprobate our perseverance in the present rash and impolitic hostilities. It was the same with respect to Spain; and he asked Ministers, whether they did not feel

themselves somewhat inclined to relent when they received the account of the spilling the blood of 12,000 men, as asserted in their last dispatches from Flanders. These were horrid circumstances to relate, terrible to think of, and the more so, when it must be confessed, that we were not the nearer our object. He next, in elucidation of the subject of war, called their Lordships' attention to the papers which passed between a Chinese and Russian Minister. The Russian boasted, that with 1000 men, his Court could beat the Chinese army consisting of 15,000. Aye, but continued the Chinese, if you bring 2000 men into the field, we shall bring 30,000, and so on to an immense amount. This doctrine applied, he said, to the present war, and might be carried to the extent menaced by the Chinese, to the destruction of great numbers of the human race. This was described as a war of Kings; but at present, it is a King fighting against a million of Kings, for in France every man feels that he is a King, for there every man feels himself on a level with his neighbour. Ministers should reflect deliberately, and with great care, on this circumstance, before they attacked fresh enemies, and other nations. He had, he said, great apprehensions with regard to neutral nations. What had been stated respecting the conduct of the British Court towards Tuscany, was a matter which a noble Lord (Auckland) could be trusted completely to confute. He wished the noble Lord to condescend and state, if there was an article in the treaty, signed by him in his official capacity, and the Grand Duke, that had not been laid before their Lordships. An article, which not only peremptorily required that Prince to banish emigrants from his country, but such of his own subjects as the British Court should demand. He desired nothing better than to have this circumstance disavowed, and for this purpose he gave his Lordship an opportunity of explaining and disclaiming the assertion. He felt with concern, he said, the opportunity Ministers gave to their enemies of rejoicing and exulting over their failures at Corsica; the loss of shipping, from whatever negligence it proceeded, was a lamentable circumstance, and our failures in that quarter were looked upon, not only by our enemies, but many of our allies, as a disgrace. However snug Ministers may console themselves in the enjoyment at home, of their places and emoluments, he would not disturb their happiness by moving for any papers relative to Tuscany, Sweden, and Denmark; but there was another neutral power, America, the fate of which, he trusted, was not to be decided by their nods, their shrugs, or supercilious demeanour. He expected on this subject an explicit answer, before the House was precipitated into a war with that Republic, which, exclusive of the expence, would be attended

with the ruin of upwards of 40,000 manufacturers, employed in exports for that country. There was, besides, to be taken into consideration two hundred thousand tons of shipping, besides risking the province of Canada. Ministers should also consider the relative situation of the West India Islands, on the conquest of which they so much enlarged, as it stood with respect to America; they should reflect how much these islands depend on the Continent of America. They should contemplate, that our commerce in that quarter was a matter of infinite magnitude: these were not merely idle words, and ought not to be treated lightly. Mercantile men are anxious to be informed, and should be informed, what were the intentions of Government with respect to America. Was it the determination to force them into the present combination, or was there a fixed design to plunge this country into a war with that Republic. In the history of this country a propensity to suicide was attributed to its individuals, but it may not be confined to individuals, and if we may draw an inference from the conduct of Ministers, suicide may extend to nations, and this country be equally remarkable for such a character as its natives. It was the marked disposition of British Ministers to meet with silence every question which they did not chuse to answer; if, therefore, an answer was refused to a simple question, he must be under the necessity of considering such silence as an answer to his question in the affirmative.

The first step taken by Government, which manifested sentiments of hostility towards America, was, he affirmed, the order of Council of June 8, 1793, which empowered His Majesty's ships to detain all vessels bound to France with corn and flour.

The second step taken, was the directions issued to the commanders of all ships of war, to seize all ships entering into any blockaded ports, except those of Denmark and Sweden.

He was sensible that arguments would be offered to shew that Sweden and Denmark were exempted by treaty from these measures; for in point of fact Government had no good reason to hope they should succeed in so preposterous an idea as that of starving the French to death. At all events, it was a horrid supposition, and unworthy a free and generous nation. If Ministers were not bound in policy, they should at least pay some respect to the Family Compact, to prevent the harsh measures adopted. When the order of Council was made in November, the whole city was in motion, and the merchants thought proper to make an application on the subject. Sixty American ships had been seized in the West Indies, and the country must be unquestionably involved in war, if the order of Council was not revoked. The noble Marquis next noticed the

conduct of this country with respect to Portugal and Algiers; and adverted to a paper which he just received. This, he said, had appeared in a New-York newspaper; it was extraordinary in its nature, and he had every reason to believe was authentic. It contained Lord Dorchester's reply to seventeen tribes of Indians, on the 10th of February, of the seven villages of Lower Canada, as deputies from all the nations, except three. [Here the noble Marquis read the reply of Lord Dorchester, the same as read in the other House by Mr. Sheridan; for which, see the proceedings of the Commons of the same date.] After a paper of this extraordinary kind, was it to be wondered that the Americans had laid an embargo on ships in their ports for thirty days? After all the exasperating circumstances of our conduct, after condemning so many of their ships, could any noble Lord, judging from his own feelings, wonder that they had been at length roused into active indignation? And yet their moderation and forbearance had been exemplary. His pockets were full of the proceedings, in which, with temper, kindness, and regard for this country, (the reverse of what we had practised towards them) they had come to this measure with the most remarkable reluctance. But flesh and blood could not bear the outrages they had received. What motives Ministers could have for their treatment of the American people—what motive for involving this country with its old brethren, with that people whom it ought to be our dearest wish to cherish and conciliate, he professed he could not conceive. Had it been held by Ministers who opposed the peace that was made with the Americans, or who thought it a bad, improvident, ill-judged, and foolish peace, and that opportunities ought to be sought and seized on for recovering what was then surrendered, it might at least be accounted for, though not in our present circumstances justified; but the Ministers who had acted in this strange way towards America, were some of them persons who had assisted in making the peace; who were well acquainted with, and who entirely approved of the motives on which every part of the conditions of the peace were founded, and therefore their motives were to him inscrutable. Their measures tended to destroy all harmony, all confidence between this country and America; had they changed their opinions with respect to America? He was not an enemy to men's changing their opinions upon great political questions, as men might see good and sufficient reason for so doing, but in such cases they ought with candour to state the grounds upon which they had so changed. Did they mean to say that they were young men when the peace with America was made; that they were not experienced in business; and that they had been

deceived by a man in whom they placed indifcreet confidence; but that now they faw reafon for changing their opinion on the fubject? Undoubtedly they might reafon in this manner, but no fuch language had ever been ufed. They had never given a hint even that they now thought otherwife of the American peace, than they did at the time. What arguments there were againft the reftitution of the pofts, ftipulated to be given up by the treaty, he knew not, nor would he inquire into the previous circumftances of contention between the two countries, which could not be recurred to without exciting horror in the breaft of every feeling and honourable man. He wifhed not even to glance at thofe circumftances; he wifhed that the tranfaction with Algiers fhould be totally ftifled; for no one part of our conduct would redound either to minifterial or national credit. It was not his wifh to widen but to heal the differences between the two countries, and his motive for agitating the bufinefs was, to give to Minifters the opportunity of clearing themfelves from imputations, which, if falfe, might produce moft dreadful confequences. If they were true, it was fit to bring them forward, that the wifdom of the Legiflature might correct the rafhnefs of the Government. He had no hoftility to Minifters in the affair. In private life, if a perfon was vilified, an honourable and candid man would fairly tell him what was imputed to him, that he might juftify himfelf, if right, or prove his innocence, if afperfed. He fhould be happy to hear that this was not a genuine paper; that Lord Dorchefter had no fuch communication with the Indians; and that it was a mere newfpaper ftory, unfounded in fact. If this fhould come out, his agitation of the matter would do good, as it would ferve only to tranquilize the minds of men, and open the way for perfect conciliation, which he moft devoutly wifhed. He concluded with moving, "That an addrefs be prefented to the King, praying that His Majefty would give directions that there be laid before this Houfe copies of fuch inftructions as have been given or fent to Lord Dorchefter, relative to all differences fubfifting between this country and the United States of America, as well as fuch communications as he may have made of conferences with the Indian tribes relative thereto."

Lord GRENVILLE faid, the noble Marquis had thought proper to introduce a great deal of matter that was perfectly extraneous to the real fubject in difcuffion now before their Lordfhips; into much of which, he fhould not follow him; but in fome, he muft; for although many parts of the fpeech of the noble Marquis were foreign to the fubject, yet perhaps there was no part of it that was quite foreign to the purpofe of its author. With regard to the firft

of it, which related to what the noble Marquis had pleafed to call the unequalled feverity of our Executive Government, and the dangers which he fuggefted as likely to enfue, both from our conduct to foreign powers, and our internal policy, he would anfwer, that the conduct of the Executive Government, and that of the Legiflature too, had been fo far from meriting that character, that he was confident both would be found, on a fair examination into circumftances, to have been lenient, and perhaps in fome inftances, criminally tender to thofe who deferved immediate punifhment. Comparing it with the conduct of another country, who were faid to be now fighting for its liberty of perfon and opinion, and who on that account ought to be liberal as well as active, the Minifters of this country had been unufually lenient and tender, perhaps to a degree of criminality. For with us, matter of opinion had never been interrupted until it grew up into action, and now we were in fome degree feeling the evil effects of fuch actions. As to a great part of the fpeech of the noble Marquis, the conduct of Parliament had been a fair refutation to the calumny which it feemed intended to convey. With refpect to that part of his Lordfhip's fpeech, which went to lament the calamities of war, he believed there was no good individual in this humane country, who did not feel as ferioufly upon that fubject as himfelf—calamities much more likely to be increafed than diminifhed by the language the Houfe had heard to day: for it was much better calculated to inflame the angry paffions than to appeafe them. While we were thus called upon to lament the calamities of war, it fhould not be forgotten how we got into it. Was it not entered into on our part after having fuffered infult upon infult? And what was at laft left to us, but to ftand forward and defend ourfelves againft that very enemy, whofe whole conduct had been a continued feries of infult and aggravation? If, therefore, war brought on calamities, the misfortune on our part was unavoidable, and the caufe of it muft be imputed to thofe who commenced it, and not to us, who had no choice between hoftility and difhonour, or even deftruction: and if the war had been carried on in a manner different from the mode which had been adopted for the laft century, the French had commenced that mode; they had hitherto proceeded in it as if they had entirely loft all their ideas of civilization: this added throughout Europe to the abhorrence and deteftation which every humane breaft muft feel for their proceedings, and the principles from which they arofe. Let the noble Marquis then attribute this barbarous change in the conduct of war to its agents, the French, and not to the brave and humane Englifh. As to what the noble Marquis had

ſaid on the conduct of this country towards neutral nations, he was perſuaded that the more it was examined the more it would appear to be conſonant to the ſpirit of the law of nations; he would go farther, and aſſert, that if this country was blameable at all on that ſubject, it was for having exerciſed an unuſual lenity and forbearance—if any perſon capable of forming an opinion on that point, would look into all that had been written by the beſt authors on the law of nations, under the article of ſelf-defence, he would find, that what he had already ſaid, with regard to this country, was ſtrictly true. Much had been ſaid upon the liberality of the Engliſh character; he agreed it was a liberal character, and he hoped it would ever retain it; but he knew of no right the Executive Government had in being liberal in ſacrificing the intereſts of the country to the views of its enemies, while we were carrying on a defenſive war. He came now, he ſaid, to a particular obſervation, which he thought himſelf called upon to make upon the object of the motion of the noble Marquis. Whatever he thought, he felt himſelf bound in decorum, decency, and reſpect to that Houſe, not to exceed the limits of its rules and orders; all, therefore, he could ſay, that, be the motives of the noble Marquis what they might, with his ſenſe of the duty of an Engliſhman, and more particularly with his ſenſe of the duty of a Member of a Britiſh Parliament, he ſhould not have been induced to make a ſpeech ſimilar to that which preceded the preſent motion: however, all that the Houſe could do, was to prevent the effect the ſpeech might otherwiſe produce. The noble Marquis had ſaid, that the Government of this country had conducted itſelf unjuſtly towards America, with reference to the plan of our peace with the United States—a plan which the noble Marquis maintained to be a wiſe one, and deliberately adopted ſeveral years ago, and which it was now ſaid the Government of this country diſregarded and abandoned, and that we were now purſuing meaſures with America which tended to involve us in a war with them. With regard to the plan, as it had been adopted, he thought this country bound to abide by it; he at that time had no ſhare in Adminiſtration, he only gave his vote as a Member of Parliament, and he certainly gave it in favour of the peace which had been concluded, not as approving all the clauſes, and thinking them advantageous to this country, but that our ſituation was ſuch as obliged us to adopt the terms, if better could not be had; and ſeeing no reaſon to think that any individual had miſconducted himſelf on our part in that treaty, he votted for that peace; all he ſhould ſay was, that he had not converſed with any individual who underſtood that ſubject, who had

any idea that the boundaries were of any advantage to this country. The article might have been neceſſary, as perhaps we could not have had better terms, but when concluded, they muſt be binding, and muſt, therefore, be punctually obſerved; they muſt be obſerved, however, like the terms of all other treaties—mutually and reciprocally obſerved; and it would be new, indeed, in the affairs of States, if a nation, making conſiderable ſacrifices on its part, ſhould not expect to obtain alſo the advantages of that treaty to itſelf; ſuch never had been the conſtruction of treaties, while they were to be interpreted by good ſenſe. It would be idle for him to ſay any thing more on that part of the ſubject. He could have no intereſt, he ſaid it with ſincerity—he had no diſinclination towards America; he had no deſire that we ſhould be on any other footing towards them than that of perfect amity and good correſpondence. He could ſay more; as to his conduct ſince he had been charged with that office which he now held: he had delivered it as his opinion, in which he concurred with all public men he knew, that the intereſt of America and Great Britain was to be on terms of friendſhip and good will; and this was mutual. On that principle, he would be bold to ſay, the whole conduct of the Executive Government of this country had been uniformly guided, during the whole period ſince the concluſion of the peace. The noble Marquis had inſinuated to the contrary: he ſaid that our Government had departed from the terms: he really did not comprehend that. What reaſon there was for bringing forward the charge he did not know. He was ſtill more at a loſs to know in what this Government had diſgraced itſelf: he hoped that nothing of that ſort would be felt by this country. He was ready to take his ſhare of the reſponſibility which belonged to his ſtation, and for the advice he gave to the Sovereign on that ſubject. The next point was the caſe of Algiers: and he could not refrain from ſaying, that, if there were in this country any enemies to it and to America, deſirous of propagating unfounded reports, for the purpoſe of alienating America from this country, he hoped they would miſs their object. He could have wiſhed that, when charges of a ſerious kind were brought againſt Government, they had been firſt examined and aſcertained before they were brought forward as matter of debate. It was not a light matter to make charges in that Houſe, and to ſtate that certain reports had obtained credit: but he hoped and truſted they would make no more impreſſion than they ought to make. He wiſhed to ſtate briefly and plainly the caſe upon this ſubject, and their Lordſhips would ſee whether it bore the colour which the ſpeech of the noble Marquis was calculated to im-

press. The conduct of the Executive Government upon this, as upon other occasions, had been directed with a view to repel Jacobin arms and Jacobin principles; and if there was guilt in it, he begged leave to plead guilty. The truth was, that the Court of Lisbon desired us to intercede our good offices with the Barbary powers, and that for the purpose of enabling the Court of Lisbon to continue their assistance as our ally against the common enemy to order and government—France. He was ready to confess that he saw no room for deliberation upon that subject; it was agreed upon at once. The Minister on that occasion had not been able to negociate a peace—he had procured only a truce; but he had conducted himself in a manner that did him honour. The noble Marquis then proceeded to the order of our Government in Council, and he must confess that his observations on this part of the subject were extraordinary—extraordinary indeed to come from an Englishman, and a man who had been an English Minister. He confessed he did not expect to hear that it was a crime on the part of this country to seize, not for condemnation, but merely to detain, afterwards to value, and then to pay for the cargo of ships laden with corn, that were on their voyage for the purpose of supplying our enemy. He thought that nothing was plainer in the principle of the law of nations than that we had a right to detain ships laden with provisions for the enemy, if we paid for them afterwards their full value. Indeed he thought when we ordered these ships, not to be condemned, but to be purchased, we did not insist fully on the law of nations in our favour, but relaxed even from the spirit of that law. Upon this subject we had granted to America advantages that had not been allowed to Sweden and to Denmark, they would have been justified by precedent in proceeding very differently against America upon this subject, but all possible care was taken to afford them all possible favour and advantage. As to the paper to which the noble Marquis had alluded, and which he had attributed to a noble Lord of high rank and character, (Lord Dorchester) his answer should be very short—he had seen no such paper. It might be true and authentic, or it might be false; but he thought that a New-York newspaper was very indifferent authority for their Lordships in their high and grave authority to proceed upon. If it was true, it would be authentically transmitted to Government by the noble Lord whose name it bore, and it would then be time enough to proceed upon it, but it was not proper in respect to the character of that noble Lord, not proper in respect to their own characters, for their Lordships to proceed upon it without some better authority. He knew this paper only from the New-

York newſpaper, and he confeſſed he had no inclination to diſcuſs before their Lordſhips, the contents of a New-York newſpaper. Upon the whole he muſt ſay, that the ſpeech of the noble Marquis was not conſonant with his motion, nor did it go to the extent of eſtabliſhing the propriety of agreeing to this motion. He did not believe that either, whatever might be the intention of their author, would have the effect of producing any advantage to this country. He believed that they might produce ſome diſadvantage, and their Lordſhips would certainly increaſe that diſadvantage by aſſenting to this motion.

The Duke of GRAFTON ſaid, that to the laſt moment of his life he ſhould attribute the lamentable ſituation into which this country was plunged, to the very erroneous policy long ago adopted by the preſent Miniſters. Thoſe who thought differently, and who did not ſee the circumſtances of this country in a deſponding ſtate, that indeed was not a proper expreſſion, for Britons never deſponded, but who did not think our circumſtances in a melancholy ſituation, he would adviſe to reflect a little before they became too confident. The noble Secretary of State ſaid that this would be attended with harm: in that, his Grace ſaid, he did not agree with him, for he hoped that every word this day would lead to convince the Americans that we determined to do them juſtice, and to avoid all miſunderſtanding with them. The noble Secretary of State ſaid he was not anſwerable for any thing that appeared in a New-York newſpaper; but there were facts perfectly notorious which required explanation. We all knew there was an embargo laid on the ſhips of America. If there was not, he begged to be better informed. He wiſhed that this country ſhould aſſure America of its determination to act fairly; for if it ſhould come to paſs that this country and America ſhould lift up their arms in hoſtility to each other, then he ſhould ſay we ſhould conſider the relative ſituations of the two countries and compare them; but he wiſhed them to be conſidered as united under a family compact; and, God forbid, the day ſhould arrive when they ſhould be otherwiſe. It was not enough for noble Lords to ſay they knew nothing of this paper publiſhed at New York; they ought to know whether there was any thing in the inſtructions ſent to Lord Dorcheſter, that warranted the ſpeech ſaid to be made by him; for it was a link of the chain which the Americans, whether rightly or wrongly, had conſidered as premeditated hoſtility againſt them. He therefore expected the Miniſter to do ſomething more than merely to ſay he knew nothing of this paper. What would be the inference from ſilence on this occaſion? He begged, he implored the Miniſter to give the Houſe

ſome information upon the ſubject; a ſingle word might avert tremendous evils.

Lord SYDNEY ſaid, that Lord Dorcheſter was a perſon of the higheſt prudence as well as abilities, to which he added a particular regard for America; it would therefore be improper to diſcuſs his conduct now, without being in poſſeſſion of thoſe facts which might influence his reſolutions. He ſaw no reaſon for inſtituting an inquiry into the contents of a newſpaper at New York; he therefore diſſented from the motion.

The Earl of LAUDERDALE aſſured the Houſe, that after the able ſpeeches of the Marquis of Lanſdowne and the Duke of Grafton, he ſhould not have conceived it neceſſary to have troubled their Lordſhips with any obſervations, if ſome remarks which had fallen from Lords Grenville and Sydney, had not rendered ſuch obſervations indiſpenſably neceſſary. It had lately become a faſhion to talk much of extraneous matter, and in compliance with the faſhion, it had been ſaid by the Secretary of State, that a great part of the Speech of the Marquis of Lanſdowne was extraneous. For his own part he had never heard arguments leſs extraneous, than thoſe that had been uſed in that ſpeech. It had been ſaid, that events of importance had lately occurred in America, which events it had been thought neceſſary to diſcuſs—was there, he would aſk, any thing extraneous in this? Yet, even admitting there was, he would contend, that the example alledged to have been ſet by the Marquis of Lanſdowne, had been in every reſpect imitated by the Secretary of State; for the former had not touched upon any ſubject, of which the latter had not entered into as deep a diſcuſſion, as the ſubject would admit. Adverting from the particular ſubject of diſcuſſion, to the internal ſtate of Great Britain, the Secretary of State had aſked with a triumphant tone, whether there were any harſh proſecutions? Did the Secretary, he would aſk, ſuppoſe that their Lordſhips had loſt all memory upon the ſubject? To what part of the hiſtory of this country could men look for ſuch a ſyſtem of coffee-houſe ſpies and informers as were now encouraged and protected? Had the Secretary no recollection of ſome recent proſecutions, marked with a peculiar degree of harſhneſs and ſeverity? And yet he had aſſerted, that ſo far from theſe proſecutions having been entered into with eagerneſs, Government had waited till the offences to which they applied, had ripened into action. For his own part, he had heard of this ripeneſs; but he contended, that it had alone been attempted to be proved by declamation. And here he could not help obſerving, that when the Secretary of State talked of the noble Marquis' declamation, he was

himself adopting the same error with which he found fault, and was attempting to prove by declamation, that the country was in a state of rebellion. The Secretary of State having thus finished his observations on the internal state of the country, had proceeded to its external state; and he had asserted that Great Britain had been forced into the war on defensive grounds. Without travelling over the old arguments, Lord Lauderdale contended, that it was a farce to say that the country was acting now on the defensive. But even granting that the war was defensive at its commencement, no one, he affirmed, would deny that the principles of the war had been changed, and that the country was acting now offensively. What! Engaged in a defensive war, and seize all the French West-India islands? Engaged in a defensive war, and declare that peace shall not be made, till the conquest of France be completed? This was the most curious mode of proving a defensive war, that the imagination of man could devise. It was a mode of proof, which set at defiance all the arguments used by all authors who had said, that though a war might be purely defensive at its commencement, yet that the manner in which that war might be carried on might change it from a defensive to an offensive war. It had been alledged against the noble Marquis, that he had adduced no facts. This allegation was by no means correct, for facts had been adduced, and of a strong nature. Was not the order of the Council a fact? by the revocation of which order Ministers had, in the most forcible manner, condemned their own conduct? Was not the condemnation of American ships in the West Indies fact. A condemnation which had proceeded on the supposition, that the conveyance of sugar from the West Indies to America, was a proof that the sugar was the produce of the French West-India islands. Having completed the discussion of the noble Marquis's speech, the Secretary of State had thought it decent, to discuss the notions which had induced the Marquis to make that speech. It would, in his opinion, have been more satisfactory to have discussed the speech more ably, than to have thus made any observations on the motives. But was the noble Lord prepared to say, that discussions even of subjects upon which no regular documents were before the House was improper? Had his Lordship forgotten the debates on the Russian armament, which debates had prevented a war, and had induced the Ministers to descend from a tone of the utmost arrogance, to that of humiliating concession? After stating that it would be more satisfactory to the people, to hear from Government that Lord Dorchester's speech had not been authorised, his Lordship concluded by expressing his abhorrence of a war with America. The present war with France

was, he was convinced, viewed by every man in the kingdom as the moſt calamitous conteſt in which Great Britain had ever the misfortune to be engaged.

The Earl of COVENTRY ſtated, that he had intended previouſly to the concluſion of the American war, to have made a ſimilar motion to the preſent in that Houſe, of which the noble Marquis (Lanſdowne) had then diſapproved.

The Earl of CARLISLE was convinced that it was not the wiſh of the Americans to go to war with Great Britain; and he was alſo ſure, that when it was known that the order of the Britiſh Council had been revoked, the United States would relax in their embargo.

The Earl of CAERNARVON thought there had not been ſufficient ground laid for the motion.

The Earl of RADNOR was of opinion that a newſpaper, or any other report, was not ſufficient ground for a motion, however that depended on the judgement of any noble Lord who brought it forward. It reſted with their Lordſhips to judge whether the motion ſhould be aſſented to, that muſt depend upon the arguments that ſhould be adduced for and againſt it.

The Earl of MANSFIELD ſaid, the noble Marquis, though the ſubject was old, had certainly introduced a new thought. He ſaid, a combination of Kings were fighting againſt a country where every man was a King. He remembered having read of ſome Ambaſſador who ſaid, in conſequence of an interview which he had with the Roman Senate, that he had been talking to an aſſembly of Kings. It might be from ſome old prejudices, but his Lordſhip ſaid, when a boy, he certainly regarded the Roman Senate otherwiſe than he now did the Convention of France; and he wondered whether the poor wretches, who were daily leading to the guillotine had any idea of their kingly character? He perfectly agreed in the propriety of the meaſure of refuſing copies of Lord Dorcheſter's inſtructions; for if that ſhould become a practice, he ſaid, the ſituation of a perſon in truſt abroad would be ſuch as never to excite the envy of any man. He likewiſe adhered to the opinion he had often given on the law of nations, with regard to neutral powers. He thought that the Miniſter ought not to afford any farther information than he had already given with regard to the New-York paper. To ſatisfy the curioſity of any noble Lord for the ſake of a compromiſe in the debate, would be highly improper. On theſe grounds he gave the motion his hearty negative.

The Duke of GRAFTON ſaid, that he propoſed no compromiſe. He thought, and he was ſtill of opinion, that when a mat-

ter of so much consequence was brought forward on the notoriety which this transaction had, it would not misbecome Ministers to give some satisfaction to this House and to their country, on the subject. It was not the truest way of maintaining their dignity, and it would be but poor consolation to those who were suffering all the horrors and calamities of war, to be told that the forms of the House made it inconvenient for them to take into their consideration what regarded the fate of nations.

The Marquis TOWNSHEND said, in his mind, the conduct of the noble Secretary had been very fair. A paper had been read, of which he knew nothing, and he had fairly said so. They had nothing, therefore, before them upon which there could be question.

Lord GRENVILLE said, he never wished to elude a question. He was not bound to answer the interrogatories of individual Lords. If the House should demand of him the question, he knew his duty. A question had been put to him which he thought improper, and he had thought it his duty to refuse to answer it, but this was surely not eluding it.

Earl STANHOPE said, that the noble Secretary of State had, in his first speech made use of an expression which he had taken down at the time, and which he could not mistake:—speaking of the paper which had been read, he had said—"It may be true—it may be false;" then, said the noble Earl, we are to collect that from the noble Secretary, that it is possible instructions may have gone out to set on the Indians. [the Lords very generally called out order.] The conclusion was obvious, it could not be true, unless orders had gone out, and the noble Lord had said it might be true.

Lord GRENVILLE said, that if any other noble Lord had made the assertion of the noble Earl, he should have thought it necessary to reply to it, but as it came from the noble Earl, he should leave the gross misrepresentation to the judgement of the House.

Earl STANHOPE said, he ought at least to state what was the gross misrepresentation.

The Marquis of LANSDOWNE said, that as to the purity of his motives, in the present proceeding, he should certainly not condescend to take any other notice of the observation that had been made, than to say that their motives were before a higher tribunal than that House, and a tribunal which he truly respected—they were before the tribunal of the public. Whose motives were purest, they and posterity would rigorously examine; for himself he could say, that if the purity of his life were to be tried by this test, for he had no earthly inducement to bring forward the motion he had

made, than to preserve, if it was yet possible, this country from the dreadful fate of a war with our old brethren. He could not help, however, remarking on this new mode of parliamentary discussion which Ministers had adopted, that of ascribing motives to others which they could not justify. Instead of this effort of personality and calumny, he owned he expected language that should have allayed the ferment which their conduct had excited. He had introduced no extraneous matter, for surely it was not extraneous to state all the circumstances of our present condition, when we were perhaps on the eve of plunging into a new war. With regard to the line of boundary, the noble Lord had said that he had been too young at the time of the peace. [Lord Grenville said, neither of these words. Lord Lansdowne begged that he would say then what were his words. This Lord Grenville declined to do, but said he should explain afterwards.] The noble Lord did not chuse to take the shortest way of setting things right. He wished to represent him fairly. He did not think the boundary line the most advantageous part of the peace, as he had not seen reason to think it the most advantageous part; all he should say on the subject was, that the Ministers who made the peace chose that line of boundaries—it was their fault, and theirs only, if it was wrong, and they were impeachable if it was injurious to the country, for they might have kept the forts; he repeated it, they might have kept the forts; but they studied a large and a magnanimous system. They desired to shew America that they coveted her friendship, that they had confidence in her truth, and that they retained no jealousy whatever, but surrendered this barrier as the foundation of an eternal peace. They might have taken a narrower line of conduct; they might have squeezed out a greater extent of country, and what would have been the end? To build pentagons, sexagons, and quintagons—to shew an incessant and provoking spirit of jealousy and bad neighbourhood, instead of cultivating the affections of brethren, and of establishing what had been really his favourite object, and what the noble Duke had happily expressed, a family compact with America. The noble Lord had said, he ought to produce his civil-law authorities—The task lay on the noble Lord: he was not to prove the negative; and he was bound to say the noble Lord would not find his measures justified by the books. Where would he find authority for starving a whole nation, for treating twenty-five millions of people like a besieged fortress? Where would he find a precedent for making tobacco an article of provision? Where a precedent for saying to an independent State that they would interrupt its legitimate commerce on the high seas, and yet to call it grace, because they were pleased

to ſtop them from going to the markets to which they were deſtined, and to ſet what price they pleaſed upon their ſtaple produce themſelves. The noble Marquis concluded with an earneſt exhortation to their Lordſhips to reflect on the conſequences of puſhing this conduct farther, and he left the queſtion to their Lordſhips, ſatisfied that the public would do juſtice to his motives.

Lord GRENVILLE ſaid that his words were, that the boundary line was not, in his opinion, the moſt advantageous part of the treaty of peace with America; that he had not thought ſo at the time—and that every thing which had happened ſince, had tended only to confirm him in his opinion.

The Marquis of LANSDOWNE, obſerved that it was the firſt time he had heard this opinion. It would have been well if it had been given before. He lived in habits of ſuch ſtrict and perfect intimacy with the noble Lord's family at that time, that ſuch an opinion, if entertained by any of them, ought to have been communicated. On the contrary, every one of them expreſſed their perfect and entire approbation of the boundary line.

Lord GRENVILLE ſaid, he ſpoke only for himſelf.

The Marquis of LANSDOWNE repeated that neither he, nor any other mem[illegible] his family, had at the time, or ſince, in public or private, expreſſed themſelves as he had now done about the boundary line of the treaty.

The Houſe then divided,

Contents 9; Not Contents 69.

The Duke of BEDFORD gave notice, that on Friday next he ſhould call their Lordſhips' attention to a motion on the ſubject of the war, and he moved that their Lordſhips be ſummoned.—Ordered.*

Tueſday, 27th May, to Thurſday, 29th, incluſive.

No debate.

Friday, 30th May.

The Duke of BEDFORD called the attention of their Lordſhips to the diſcuſſion of the important ſubject on which the Houſe had been ſummoned. It was his deſign, he ſaid, to bring to their Lordſhips' recollection the ſeveral ſtages of the unfortunate war in which we are engaged, ſo as to ſhew the views in which it was entertained by Government and the Legiſlature, the different aſpects that it had aſſumed at different times, and finally, to point out the utter impoſſibility that there was at this moment to draw any ſpecific concluſion from their conduct, of what our real intentions in the

war were, or to limit the calamity to any object, the attainment of which would satisfy their wishes. In doing this he should find it necessary to intreat their Lordships to examine the situation of affairs both at home and abroad, and rigorously to inquire whether they had any well-founded hopes that the system which they were pursuing, and the means which they had taken to accomplish it, were likely to produce any beneficial object whatever to this country, much less the object which was affected to be that which they had in view. Their Lordships would be able to enter more clearly into the discussion by hearing the propositions which he meant to submit to their consideration, and he should therefore read them in his place. The noble Duke here read the Resolutions which he meant to submit to the House; and he accompanied them with observations on each as he proceeded.

[These Resolutions were the same as were moved by Mr. Fox, in the House of Commons, for which see their proceedings of the same date.]

These Resolutions, their Lordships

rally declarations of facts recorded on their Journals, or taken from public papers, which had been laid upon their table. The fifth Resolution, stating the Declaration that had been made by Lord Hood to the people of Toulon, was the first instance in which we had expressed any design or wish to interfere in the internal affairs of France. The Declaration of Lord Hood it was material to recollect for the honour of the country, demanded that it should be clearly seen upon what principles the noble Lord acted, what terms he proposed, and into what engagements he entered on behalf of His Majesty. It was a fact recorded in the noble Lord's own words in the paper on the table, that he accepted of their declaration of a wish to adopt a Monarchical Government, such as it was originally formed by the Constituent Assembly, and that he declared to the people of the south of France, that he should protect those who manifested their sentiments, and pledged the faith of the Government of England, to the honest and unequivocal maintenance of the object of their Declaration. The invitation which he gave to the people of the south of France, to declare themselves, was accepted, the people did repair to the standard which he had erected, and the noble Lord, on the 28th of August, solemnly accepted of their declaration, and thus a specific ground and object of the war was held out to the people of France, and the faith of Great Britain was pledged to that people for this clear and specific object of the war.

By the memorial presented to the States General on the 25th of

January, 1793, and which was the subject of his sixth resolution, the persons who had made the Constitution which we pledged ourselves by Lord Hood's declaration to assist in re-establishing, were described as miscreants assuming the name of philosophers, and which was reviled as the offspring of vanity and licentiousness. He was surprised that this, and other declarations of the same kind, did not produce indignation and abhorrence in every one of their Lordships, as a conduct utterly incompatible with the principles of all true and legitimate Government, and particularly so of a Government founded on the basis of liberty, and a people who had previously exercised the right of forming a Government for themselves. He was astonished that every mind capable of estimating the blessings of independence, did not revolt from the idea of dictating to another independent people what Government they should choose, or of interfering in the settlement of their internal concerns. If the most despotic Minister of the most despotic Sovereign in Europe, had chosen to interfere at the time of the happy revolution of Great Britain, and had published similar declarations to the present, he asked their Lordships deliberately to consider what must have been the feelings of Englishmen on the occasion? Human nature was the same in similar circumstances every where. Animated with the desire of delivering themselves from a state of the most abject bondage, they would naturally have contemplated the interference of foreign powers, as a violation of their rights, and as an outrage not to be forgiven. If no people could indure such insult, if for the time they might be too weak to assert and maintain their rights, they would watch for more suitable occasion; the memory of the act would rankle in their breasts; they would treasure it as a subject of rooted enmity, and as a just cause for going to war the instant that they had the means. The French were said to be the original declarers of the war, and it was called upon our parts a defensive war. It was of little concern who were the first declarers, in comparison of who were the first provokers; and he called upon their Lordships to say, whether the French could truly consider this country as their friends, and whether we could look back to these preliminary steps in the war with any satisfaction to ourselves, either as to the right, the moderation, or the policy we had exercised. The next resolutions referred to the means which we had taken, and to the co-operation we had secured for the conduct of this war. Though it was said to be a common cause, it was clear that the nations mentioned in his tenth resolution, who had taken no part in the war, formed a considerable part of Europe; and certainly did not consider it as a common cause.

They did not feel that the destruction of the present French Government was essential to their security; and with respect to the King of Prussia, he, like those other powers, no longer felt a common concern in the war. The subsidy which we had been drawn in to give him, nearly double of what was ever paid to any foreign power, was evidently extorted by something like a threat upon his part of withdrawing from the war. It was fair therefore to say that Prussia differed from us in regard to the terror of French principles; he thought it no longer necessary upon his own account, to carry on this war of self defence, though considering us perhaps as a weak and foolish people, who were ready to purchase his assistance at any price, and throw away our treasures, he had no objections to enlist as a mercenary in the crusade. The present was called a war of humanity, and incessant appeals were made to their Lordships' feelings in favour of a war that had for its object the preservation of order, of religion and humanity; but it would be well for their Lordships to recollect whether in our very conduct to the King of Prussia we did not act upon the contrary principle, and pay him a subsidy only to enable him to wage the most cruel and inhuman war that ever was undertaken against any people. When we had the cry of humanity for ever in our mouths, it would be well that we felt its true and genuine emotions. While we stood by to see the people of Poland, loyal, faithful to their neighbours, respectful to the rights of nations, and honourable in every part of their conduct, made the savage prey of our allies; nay, when we granted subsidies to enable our allies to prosecute their injustice with effect, to trample upon the necks of this brave and gallant people, without remorse and without pity, what pretension had we to the true feeling of humanity, or how could we claim to ourselves praise for honest and conscientious regards to the well-being of society? If we made it a plea that the principles of the French tended to attack the independence of nations, and that no neighbouring power was safe from their restless ambition and their arrogant tyranny, could we shut our eyes to the same practices in the conduct of those powers with whom we were leagued? Did we not assist those powers in assailing the independence of their neighbours, in trampling down order, in confounding establishments, and in spreading ruin and desolation over whole countries? It was idle and hypocritical to assume the pretext of humanity in the one instance, while we laughed it to scorn in the other. There was no integrity in our proceeding. One part of the war of Europe was at variance in its principle with the other. The pretended defender of social order and of national independence in one place, was the assailant and violator of independence in ano-

ther; and while the people of this country were taught to believe that it was for virtue, and religion, and humanity, that we were at war, they were called upon for a subsidy to one of our allies, enormous beyond all precedent in British history, to enable him to carry on an unprovoked and unjust war against the brave and virtuous people of Poland. The next resolution, the noble Lord said, referred to the object of the war as it was originally professed on our side, namely, the restoration of peace on terms of permanent security. This had been the first declared intention of this country in the war. It ought undoubtedly to be our uniform object, and this in his mind could only be obtained by proposing to France equitable and moderate conditions. Above all, as the means of coming to a proper understanding, a precise and direct declaration should be made, solemnly and explicitly stating the objects that we had in view, and thus finally to clear away all the misunderstandings to which our former conduct have given rise in the war. The noble Duke, having thus gone through his resolutions, said, that their Lordships would observe, that drawn as they were, from the official documents on the table, and briefly recapitulating the declarations that had been made from time to time, they presented to the attentive mind various important contradictions. Contradictions in regard to our object, contradictions with regard to our allies, and to the means which we had for the pursuit of the war. He had faithfully copied them from those documents, and he was mistaken if they ought not to have a serious influence on their Lordships, as to the conclusions to be drawn from them. He would not say much of the proceedings before we interfered in the war; the rise of the French revolution had been so often a subject of discussion in that House, that it was certainly unnecessary for him to dwell upon it. To whatever other causes it might be assigned, it was chiefly to be ascribed, in his opinion, to the part which France took in the American war. It originated with the men who were sent to the Continent of America to assist that people in their struggle with us. There they imbibed the principles of freedom, there they first drank at the delicious fountain of independence, and elated with the prosperous issue of that struggle, they returned, burning with an enthusiastic ardour for the deliverance of their native land. Soon after the Monarch met his people, by all the accounts that he had ever heard, he was good and beneficent; he was eager for the welfare of his people, and he honestly wished to favour a melioration of their condition. It was not wonderful that men attached to ancient prejudices, and bred under the ancient system, should be prone to take alarm at the reforms which were introduced. Indeed they were too prone, and they quitted their country. Yet the revolution

proceeded for some time with unexampled quiet; it was a memorable fact, that for a considerable time the country remained in a state of great order, security, and peace. After that, speculative men attempted to form a system too pure for the present state of society. But still, though its theories were too fine for the condition of men, yet practice would have softened down these theories, and would have made it one of the most extraordinary and grandest structures that ever was formed by man. While employed on this great and important work, they certainly manifested no hostility to other nations; they propagated no doctrines injurious to the peace or safety of other powers; and, unless some trifling and insignificant disputes about boundaries, there was nothing happened justly to excite any jealousy. Two of the great powers of Europe, however, the principles of whose Government are purely despotic, affected to see the progress of this revolution with alarm. They thought it was impossible for man to be happy but by living at the will of another man, and having the foundations of their own power laid upon undisputed despotism, they affected to see with jealousy and dread the establishment of a Government on the more rational principles of freedom. They laid the foundation of all that has followed, they began the career into which we and other nations have been brought, and to them posterity will look for all the horrors that have followed. The Constitution of 1789 was formed by men of the first rank, both in distinction and in talents; their motives were pure, and their end was laudable; they followed the noblest examples of history, they were eager to deliver their country from despotism, but they were actuated by the purest loyalty to their Sovereign, and respect for civil rights. How had these men been received in foreign countries? He blushed to think what outrages had been committed on these persons; on Monsieur la Fayette, who professedly retired from his country because he would not sacrifice his loyalty to his King. They had no right to dispute the veracity of Monsieur la Fayette, for his whole life was an illustration of truth, disinterestedness and honour. Yet though retiring the victim of loyalty, he was doomed to dungeon after dungeon, and now was transferred from a Prussian to some Austrian dungeon or hospital, God knows where; whether dungeon or hospital, it was indeed the same thing, and in his person liberty was thus wounded in the most outrageous manner. But posterity would do justice to his name, his attachment to liberty; his glorious life would transmit his name to the latest posterity, pure and unsullied. That there was much to blame in their system of liberty, much to correct, much to alter, was certain. But what a work was a system of Government, and how impossible was it that human wisdom

could make it perfect in a day! Subsequent to the King's death every species of horror to which humanity could be subject, had passed on the devoted scene of France. Their Lordships' hearts had been often torn with the melancholy recital! Noble Lords thought it necessary to dwell with emphasis on the shocking events that crouded on one another, and that filled every bosom with horror, indignation, pity and disgust, as the feelings were roused against the tyrants, or turned towards the victims. But had not the allied powers urged them on to all these savage acts? Have they not been pressed on from murder to murder, goaded, hunted, set upon like beasts of prey, and rendered desperate in the toil? Had they not taught them, that nothing but their extermination would satisfy the Courts of Europe? Had they not made a solemn declaration against their lives, that nothing but their blood could give security to Europe, and having thus demanded in the face of France the lives of their leaders, the men who had given to them, however they might at present exercise it, the sweets of liberty, could it be expected that they would deliver up their leaders, or stand by and tamely see them torn from their sides? My Lords, let us not deceive ourselves, let us not be made the dupes of our own declamation; before we bring these people to the tribunal of justice, let us be sure that our own hearts are free from the crimes that we affect to abhor; let us be sure that we have not created the fury which has produced these horrors; and let us coolly and deliberately inquire, as friends of that humanity which is so incessantly our theme, if we should not better promote the object of restoring France to the happiness of order, tranquillity and Government, if, instead of rendering its leaders furious and desperate, we were to make a specific declaration that we had no desire of interfering in their domestic concerns, and did not presume to arrogate to ourselves the right to dictate what should be their Government, or who should be their governors. The noble Duke then came to speak of the arguments which were urged in favour of the war from the state of things in this country. It was said that they went to war to prevent the introduction of Jacobine principles into England. How it was possible to prevent the introduction of principles he could not easily conceive. That it could be possible to prevent the introduction of Jacobins, was possible. But what bars or bolts, what engineering or artillery could prevent the inroad of principles, he knew not. This was not a country to be invaded by doctrines contrary to human reason; sentiments favourable to liberty, thank God, were not new to the people of England; sentiments that cherished licentiousness would be received by no people who are not under the torture of oppression; it is only when the mind was suffering from

despotism that it was driven to desperate courses; the truest and most secure barrier to licentiousness was a rational system of freedom. What had produced all the intemperance of those doctrines which were defined by the term Jacobinism, but the system of oppression and tyranny under which the people of France had formerly been doomed to live? What was the means of preventing similar doctrines from taking root in the breasts of Englishmen? The securing to them the enjoyment of the privileges derived from the Constitution. Now, my Lords, said the noble Duke, instead of declaiming against the French, let us look at home; let us take care that we are not, by rash experiments on the temper of the people, laying the seeds of discontent and disorder. It is a melancholy consideration that the alarm which has been so industriously spread against French principles, has been the pretext for pursuing French principles yourselves. You are daily breaking through those strong fences that give confidence to the minds of Englishmen, and that have taught them to be proud of the system under which they live; that reverence for the Constitution which is the source both of obedience and energy, is daily diminished by the stratagems to which resort has been had, and by the rash and violent measures which have been adopted. Look at the laws which you have made since this alarm was excited, and see if they are calculated to endear Englishmen to their native land? When laws are made, or when laws are repealed by the three branches of the Legislature, they ought to be so done upon mature deliberation. The necessity ought to be made manifest to the world; there ought not only to be no juggling, no trick, no delusion practised, but there ought to be no appearance of precipitation; there ought to be none of that haste which can give to a statute the character of rashness.

Now, my Lords, I recommend to you to reflect on your late acts, and subject them to this test. In the first place, Parliament was summoned to meet the year before last on a false pretext. Your Lordships will always recollect, that in speaking of the acts of Government, I speak of them as the acts of Ministers. The law required to the summoning of a Parliament on such short notice, that there should be either an insurrection, or a threatened invasion.—There was no invasion, and thus Parliament was summoned together against law. There was no insurrection; for Ministers had not found a single public or private traitor to bring to trial. Here, then, was an act of Government, in direct contradiction of a positive law. The next breach of a law was in a body of Hessian troops being kept in this country.—[Lord Grenville said the Hessian troops were gone.] The noble Duke said it was of no importance to his argument whe-

ther these foreign troops were still here, or whether they had been at length withdrawn. Ministers might be tired of infringing the law of the land, but they had infringed it; they brought them here, they had kept them here, against the known spirit of the English constitution. The next thing that he should mention might, perhaps, be thought trivial by some persons, but every man who observed the progress of human affairs, well knew that from things seemingly trivial in themselves, effects often flowed, which led to dreadful consequences. When once a foundation was laid for error, however trivial the first step might be, the bewildered mind was easily led on from step to step, and every step was more important than the former. The thing to which he alluded had happened but four days ago. Their Lordships, in direct violation of a standing order of the House, had proceeded to pass through a most important bill in one day. The wisdom of their ancestors had laid it down as a lasting rule, that no such precipitation should be practised. How essential it was to the well-being of society, to the dignity, as well as to the effect of their proceedings, that this rule should be strictly observed, he needed not to say, but because it was found that it had been once violated before, their Lordships chose to break it again. One breach of order was to justify another breach; and thus the people at large were taught to believe that all their boasted respect for principles was affectation, and that they had no scruple in departing from the most established rules, when it happened to accommodate a present occasion. He thought it his duty to point out to their Lordships these facts, as tending to implant on the minds of men a feeling unfavourable to that order, obedience, reverence for the constitution, and abhorrence of change, which it was so much the fashion to profess to propagate. These facts were calculated to inculcate in every observant mind the idea that while we were railing at French doctrines, we did not disdain to pursue them; that we held in contempt both the voice of reason and the voice of the people, and that in utter defiance of all deliberate wisdom, every thing was made to give way to the imperious vote of an overbearing majority. Another measure that had been too successfully pursued, had not tended less to engender discontent, animosity, and disorder. The Association of Placemen and Pensioners, which bred and fostered swarms of spies and informers, was so opposite to the genuine system of British Government, so detestable to the frank hearts and candid minds of Englishmen, so destructive of the openness, generosity, truth, and freedom of the national character, that it was a measure of most atrocious impolicy. That men should be appointed to watch over the levities of conver-

fation, the unguarded moments of conviviality, and to treafure up and give information of perhaps the hafty expreffions of paffion, excited by the irkfome penalties of revenue laws, or by the fufferings which the burdens of thefe very wars have brought upon induftry—paffion excited perhaps by the perfon's having loft his all—his furniture, his tools, perhaps, taken to fatisfy the taxes brought upon him by the increafing burdens of the State; and for thefe expreffions of momentary paffion, wrung from him by agony—that perfons of this kind fhould be dragged into a Court of Juftice, was a horror at which the heart of a freeman muft revolt. But, thank God, the horror went no farther. They had been brought into Courts of Juftice, indeed, but in general the proper feelings of their fellow-citizens had urged them to act as became Englifhmen; they had, in general, acquitted them, and had, by their verdict of Not Guilty, given the moft unequivocal rebuke to the oppreffion of fuch a charge. But what muft be the emotion raifed in the breafts of that very jury, when even their verdict was not fufficient to give deliverance to the object of perfecution, and when they found that the prifoner was not able to quit the bar without the leave of the Judge? Thefe things were furely not calculated to preferve in the minds of men that admiration of the conftitution, that love of reverence for our laws, that it was fo defirable to inculcate. The noble Duke then came to fpeak to the immediate queftion of the war. It was argued that it was impoffible to make peace, on account of the fpeeches that had been made in the National Convention, and from the reports of Barrere, in which it had been ftated that propofitions had been made, through our Minifter at the Swifs Cantons, and that they had rejected all propofals of pacification with difdain. The noble Duke treated with great indifference any arguments againft peace, founded on vague expreffions in debate. Their Lordfhips had often heard in that Houfe expreffions as ill-timed, as contemptuous, as virulent, againft the leaders of France, as any expreffions there could poffibly be againft us. But he demanded of their Lordfhips whether they thought fo ill of His Majefty's Minifters, as to believe that they would refufe to liften to equitable terms of peace, becaufe they had been guilty of a number of idle terms of reproach, or of unmeafured expreffions of contempt in their fpeeches in Parliament. He did not believe it poffible that any fet of men could be governed by motives fo narrow; and as the conduct of the leaders on both fides had been equal in this refpect, he faw no obftacle to negociation in their mutual reproaches. The next argument was, how was it poffible to make a permanent peace with fuch people? The word "permanent," the noble Duke faid,

was a new epithet, and one the force of which he did not perfectly comprehend, as applied to treaties of peace between nations. History would not give to their Lordſhips any elevated reſpect for the term; for hiſtory was but a memorial, that no peace had been permanent, when it ſuited either the one or both parties to break it. No ſolemnity in the engagement, no proſpect of duration, however plauſible, had ever been realized; and why they ſhould now be ſo faſtidious in truſting to theſe people, he profeſſed he could not conjecture. He took it, that theſe people, like all others in their condition, would act by the rule of intereſt, and by that only. It was a melancholy recollection, that peace had never been continued by the influence of juſtice, and all the unjuſt wars which had taken place in the world, had never made the impreſſion upon rulers and Governors of kingdoms, to deter them from purſuing the ſame courſe. It ſeldom happened that an unjuſt war was undertaken without involving its authors in dreadful conſequences. The moſt unjuſt war that had ever been made againſt this country had brought conſequences on the head of the King that made it ſhocking to recollect it, it was a memorable leſſon, he had interfered in the internal concerns of this country: he had gained his end in ſeparating and cutting off a conſiderable part of our empire, but what had been the dreadful cataſtrophe to himſelf and his family? The noble Duke concluded with intreating their Lordſhips' attention to the reſolutions which he had read, and to the whole ſubject, as it now ſtood at this impending criſis. He intreated them to diſmiſs from their minds all paſſion, which could ſerve only to blind the judgement, and to obſcure truth, to look at the conduct of our allies; at the evident change in the ſentiments of a conſiderable part of Europe, and he was confident that if they would weigh the queſtion in the impartial ſcales of reaſon, they would be perſuaded that the courſe in which we were engaged was neither politic nor ſafe; that there was no real foundation for the alarms which we affected to entertain, and that viewing the energy with which the French waged war for their independence, and feeling correſpondent vigour in our own breaſts, we ſhould be convinced that we could neither conquer France, nor that France could conquer us. He was aware that it had been too much of late the practice to impute to perſons who ventured to ſtem the torrent of ruling opinions, motives of a ſiniſter and improper kind, and that even Members of the Legiſlature were not ſpared from theſe calumnies, if they preſumed, in a conſcientious diſcharge of their duty, to give their ſentiments freely upon theſe topics. It was not the moſt honourable part of the preſent ſyſtem to practiſe ſuch arts. He hoped that no man would be

deterred on account of them from pursuing what he felt to be the [illegible] line of duty to his King and his country, and he declared that, for himself, he held them in sovereign contempt. The noble Duke then moved his first resolution.

Lord AUCKLAND and Lord DARNLEY rose at the same moment; but the latter giving way,—

Lord AUCKLAND said, that from the extensive nature of the Resolutions proposed, nothing that had any relation to our affairs, foreign or domestic, could be considered as irrelevant to the motion; but his principal motive for rising was, a personal allusion made to him respecting the Memorial of January 1793.—It should be recollected, that he published that Memorial a few days after the murder of the King of France, and very few days before the declaration of war against this country. At that time there was not the smallest doubt of the intentions of the French, and, had they not proceeded to the declaration of war, hostilities would have commenced; they had declared themselves, in their Convention, enemies to all regular forms of Government, and had resolved to overturn every Constitution in Europe: these decrees were notorious, when a circumstance occurred that afforded some prospect of putting an end to the mischiefs produced by that false philosophy which had been preached up by Brissot, Condorcet, and several others, to whom this paper particularly alluded, men, whom, though they had their advocates, he must ever consider as objects of execration. When he published that Memorial, he spoke his feelings, and he retained those sentiments to this day; and when the variety of events which had since taken place were considered, he hoped he should not appear to the House to have used language too strong for the occasion. He would not trouble the House by referring to all the arguments made use of by the noble Duke, because he did not think the way we got into the war was now so much an object of consideration, as the necessity there was for carrying it on with the utmost vigour. This campaign called for every possible exertion, and, he trusted, we would obtain what he considered as the sole object, namely, a check to this savage and unprincipled power, and security for the peace of Europe. When it was considered by what a system of ravage, cruelty, and plunder, they had procured the means by which they at present carried on the war, they must be detested and abhorred; but, at the same time, it gave this kind of hope, that such means could not last: and therefore we might, upon these grounds only, fairly hope, by exertions on our part, they would soon be exhausted; if it should turn out otherwise, and the picture drawn by the noble Duke was true, then indeed it would

be lamentable for this country: he, however, hoped the contrary, and, from the experience he had of the persons who now have the rule in France, he was fully convinced how extremely necessary it was for the combined Powers to be assisted in every possible manner to preserve any thing like order or government in Europe. With respect to the internal state of the country, alluded to by the noble Duke, he thought it was highly flourishing; but if it was, it was solely owing to the timely and vigorous exertions of His Majesty's Ministers to check the efforts and views of the disaffected. He would not speak more particularly of the conspiracy which existed in this country, or of the persons who were concerned in it, as they would be brought to trial; he would only say, that if the steps had not been taken which had been adopted, the state of this country would, in his opinion, have been very much the reverse of what it is at present. He concluded with observing that, in point of form, he believed, he was authorised to move the question of adjournment, for he did not see what object the noble Duke could have, except that of having his propositions entered on the Journals of the House.

Lord DARNLEY said, he had given way with pleasure to the noble Lord who had just sat down; but he would trespass for a few moments upon their Lordships' time, in stating his reasons why he could not agree with any of the Resolutions proposed by the noble Duke. He declared, that, although he had been silent upon the different days this subject had been debated in that House, he was so only because others had presented themselves whom he thought better informed upon the subject; but he would now take the liberty of stating, that his Majesty's Ministers had his thanks for the spirited manner in which they had proceeded. All the arguments which had been urged in favour of peace were such as had been often urged and often refuted before. He thought the war had been fairly and justly entered into on our part; nor did he think, although there might be some little difference in the expressions employed in the different papers alluded to by the noble Duke, there was the smallest variation in principle, or contradiction in fact, in any declaration that had been issued by the different combined Powers. With respect to the subsidising the King of Prussia, the fair question was not whether he could or could not go on without that subsidy, but whether we required his assistance; and, being under that necessity, whether we could have obtained it upon better terms? He considered that French principles were making great and rapid strides in this country, and therefore he thought, that every lover of good order was bound to approve of the manner in which Admini-

ſtration had proceeded to check them, for otherwiſe we might have experienced the ſame ſcenes of anarchy and confuſion that had taken place in France. A great majority in Parliament had teſtified their approbation of them, and he was ſure as great a majority was to be found among the people at large. It was true, a few perſons in that Houſe took occaſion to cavil at every proceeding that went to the attainment of the grand object. We had every thing at ſtake, and therefore he could not approve throwing any kind of impediment in the way of the Executive Power, who were acting ſo wiſely and ſo prudently; and, on that account, he ſhould moſt certainly give his negative to thoſe Reſolutions.

Earl FITZWILLIAM ſaid, that it was not a ſufficient ground, becauſe the matter of moſt of the Reſolutions of the noble Duke was to be found on their table, that therefore they ſhould adopt the concluſions he had drawn from them. The preciſe queſtion to be inquired into was, Whether it was conſiſtent with the wiſdom of the country to come at this time to a ſpecific declaration of our object in the war or not? In his opinion, it was not called for by the preſent circumſtances of Europe. The object was ſufficiently apparent. The noble Duke had made it a doubtful queſtion who were the authors of the war: it ſurely was not doubtful whether the French had made the public profeſſion of doctrines that were inimical to this and every civilized country, and that they had not yet, even to this day, revoked thoſe declarations. Had they not alſo made direct war on our allies? How could it then be ſaid, that they had not been the provokers as well as the declarers of the war? We had borne with them too long. If he were inclined at all to blame Miniſters, he ſhould arraign them only for being tardy in their proceedings. But they had his cordial and entire approbation for having at length arouſed from their lethargy, and taken ſteps to ſecure us againſt the horrors which had deſolated France. It had been urged, that we had no right to interfere in the conduct of France.—He denied the poſition. It became a great and magnanimous people to become the defenders of mankind. It had been the glorious province of England at all times. Our great King William had, in the ſame manner, riſen up the defender of mankind againſt the ambition of Louis XIV. and had confederated with the other Powers to ſtem the torrent that then threatened to overwhelm the world. We had now the ſame object, for France ſought to overrun Europe, though by other means; and whether it was to be by arms, or the more pernicious force of falſe logic, he truſted that this country would never be ſo ſupine as either to become a vile province of France, or to deſert the cauſe of mankind in general. Had not

France attacked the independence of those States whose weakness presented them to her ambition as easy prey? What was the state of Savoy, and at that instant of Piedmont? Surely in such a crisis England should pursue its ancient and dignified system of protecting the weak, and of preserving the order and safety of mankind. Yet we had been arraigned for assisting the King of Sardinia to defend himself. Such had been the policy of England in its most glorious æras. Such had been our system during the Whig Administration of Queen Anne, and it had brought distinction and honour to England; when the Tory Administration that followed changed that system, deserted our allies, and abandoned the cause of the weak, what were not the calamities and the disgrace that ensued?—Yes, therefore, he avowed the interference of England. We had a right to interfere in the internal affairs of France, until those internal affairs should be so regulated as to give security to mankind. He should withdraw his feeble support from Ministers if they were to abandon this principle. Nor had he any hesitation in declaring that he was an advocate for the re-establishment of Monarchy in France, because that was an intelligible means of restoring order. It was not from his mere love of Monarchy that he did this, for he admired the simple and beautiful superstructure of America, who had exerted the purest wisdom in the formation of their Government, but it was because he wished to have something solid to repose upon for the peace and happiness of mankind. By the restoration of Monarchy, every thing would fall again into its place. He denied that the King of Prussia and the Emperor had been the authors of the war. On the contrary, Brissot himself had owned, that they had made the rupture with the express design of overturning the Monarchy of France; and they had too successfully gained their end. The noble Duke had rather unfortunately said, that men might be guilty of expressions against the Government in the heat of passion, from the burthens of the increased taxes arising from the present war. He was unfortunate in the instance, because as yet he did not believe a single shilling of new taxes had been paid by any individual. He was sure that the public feeling was in favour of the war. He had very lately seen a considerable part of the country, and he could assure the House that the West Riding of Yorkshire was unanimous in its sentiments on the occasion—satisfied with the measures of Government in regard to the war, and grateful for the steps that had been taken to preserve us from the contamination of Jacobin doctrines. The rigorous measures of suspending the Habeas Corpus and other Acts, were in unison with the opinion of the country. They saw that this course was consistent with the true policy of the

nation, which depended for its trade and commerce not only on its own peace, but on the tranquillity and safety of other nations. Our own trade could only be beneficial through the security and opulence of the nations with whom it was carried on. We were not to judge of England as it appeared on the map, a little, miserable, accidental speck, but as a most magnificent empire, contributing to the wants, and securing the prosperity of all the nations of the earth. He concluded with saying, that he should cheerfully give his vote for the motion of adjournment.

The Duke of GRAFTON began by stating the obligations of the country at large to the noble Duke who brought forward this motion. It was not his intention, because he considered it superfluous, to enter into the variety of foreign matter introduced by the noble Lord who spoke second in this debate. He would, before he entered farther on this subject, give his strongest negative to the proposition of our continuing the war, until the restoration of Monarchy in France had taken place, as he considered that every nation had a right to establish that form of Government best suited to the majority of the people, and that the majority had an undoubted right to chuse its own peculiar form of Government. After urging the necessity of our concluding a peace with France, he took notice of the alarm at present artfully raised, in order to give an opportunity of carrying measures the most unconstitutional, and which he feared Ministers would afterwards have occasion to repent. He did not suppose the propositions urged by the noble Duke would be carried this night; but, as in all probability it was the last motion of the kind that would come forward this session, he entreated their Lordships would consider the matter well before the next meeting of Parliament; and if they could judge unbiassed and impartially, he was certain they would, ere that period, confess the necessity of adopting these Resolutions; but should they not, he was convinced this good must result—the people at large, with a veneration for the high character who had brought forward this debate, would themselves well weigh the situation in which the country stood, and by petition, or other means, to instruct their Representatives, that peace would be the unanimous cry, and that the name of Russell and Liberty would be held in veneration by posterity. The noble Earl who had just sat down had given them one piece of information, and no unimportant one, since the session must be supposed near a conclusion, that their Lordships would now have to retire into the country, with the consolation, that our object was not only to overturn the present form of Government now existing in France,

but that we were not to stop short of the establishment of Monarchy.

Earl FITZWILLIAM explained, that he had only meant, that, in his opinion, a disposition in them to restore Monarchy would be a proof of their returning to order.

The Duke of GRAFTON was happy at this explanation, because it gave him hopes this strange crusade was not to be carried to that wild extent he had feared was intended. He was now, and had always been, of opinion, that the war was unnecessarily entered into on our part. He did not mean to deny, that he believed some aggression had been made by France on its neighbours, though possibly not without some provocation; but was it therefore necessary that we should rush into a war? Would it be any ways derogatory to our character to have stood forward as a mediator? And would either Austria or France at that time have refused to take us as an arbitrator? As we had thus run heedlessly into a war, it was not so much a matter of surprise that the principals had become our subsidiaries. Prussia had been defended upon the ground of incapacity to carry on the war without pecuniary assistance—but was that the fact? Would any noble Lord undertake to say, that it would not hereafter turn out that he rather wished to save his expences in this grand combination to carry on a war in another quarter, against a brave and loyal people, struggling for their rights and liberties? To his tardiness, however, and withholding his forces, were certainly to be attributed the advantages the French had obtained in West Flanders. Another of our allies, the Emperor, should we be obliged to go into another campaign, there was some reason to fear, would not be enabled to make the most vigorous exertions. A third, the Empress of Russia, had apparently but very little inclination to the business, and much assistance was not to be expected from her. Spain seemed totally incapable of defending herself; for, if he was rightly informed, the French were constantly obtaining advantages in that quarter; and it appeared his Sardinian Majesty was nearly ruined. He did not wish to draw a melancholy situation of the picture of affairs; but it might not be improper to state facts, by way of drawing Ministers out of a favourite though injurious plan of pursuit.—How did they suppose the good sense of the people of this country would suffer them to go on in the present manner? He could remember more than one instance where that good sense had been exerted with great advantage to the country, and he hoped to see it so again; it had been the means of putting an end to the American contest, during which, something like the present insinuations were used against those who opposed its continuance. This same

good fenfe had alfo again interfered, and faved us from a Ruffian war; for fo partial were the prefent Minifters to preferve what they fuppofed to be the balance of power in Europe, that they would not have hefitated to have encountered all the expences of a war, to determine whether Ruffia or the Porte fhould be in poffeffion of Oczakow. A noble Earl had faid, no complaint as yet ought to be made of the expences, becaufe none were paid; but was it not matter of complaint to perceive the burthen that muft invevitably follow, and to behold the whole property of the country held out, as it were upon mortgage. But the circulation of French principles feemed to be a full anfwer for every extraordinary proceeding, and with that as an excufe, every part of our Conftitution was to be invaded with impunity. This had been fo ably defcribed to their Lordfhips by the noble Duke who had come forward on this occafion, that it was unneceffary for him to dwell upon it; to the abilities he had difplayed on this occafion he fhould fay little, becaufe he would not perfonally praife, but thus much he would affert, that it muft be a pleafing circumftance to his countrymen to find coming forward as a champion for their liberties the lineal defcendant of him who cheerfully yielded his life in defence of their Conftitution.

The Earl of MANSFIELD condemned the motion now before the Houfe, though he had the utmoft efteem for the noble mover, with whom he had been accuftomed to act, and whofe character he very highly refpected. But when he heard meafures which had fo repeatedly received the fanction of that Houfe, accufed as having a tendency to bring mifchief on pofterity, he found it impoffible to fit filent. For his part, he was not defirous to fhrink from his fhare of the imputation, but would take his part of the cenfure that might arife from thofe meafures, and continue to give them his ftrongeft fupport. He begged leave to call to the recollection of the Houfe, a circumftance which fome of their Lordfhips had that day heard in another place (Weftminfter Hall), of a certain Roman lawyer who had got the name of *Cui Bono*, in confequence of his frequent ufe of that expreffion. He would take leave to make ufe of this idea, and afk the noble Duke (Bedford), what purpofe could be anfwered by Parliament adopting fuch Refolutions as he had propofed? Had their Lordfhips, he demanded, forgotten the principles of the Britifh Conftitution, and the fpirit that diftinguifhed Britifh Councils, fo far as to fay they were ready to proftrate themfelves at the feet of the French Convention, and afk forgivenefs for the meafures they had fo often and fo folemnly approved? And he befought their Lordfhips to recollect, that there was a great difference

between the effect of solemn resolutions of Parliament, and occasional debate: the one might possibly make an impression on foreign Powers, but a very slight impression compared with the other. He put it to their Lordships to consider, whether they would, without consent of our allies, send and offer to treat with the enemy? He regretted very much that a noble Duke (Grafton) should say that this country was mortgaged; which was as much as to say, that it was in no case, however urgent the necessity, able to maintain a war. He would not trifle so far with the time of the House as to attempt proving a point so plain, as that if such indeed was the case, Great Britain held her existence on the precarious tenure of the will of any other nation who chose to attack and subjugate her. He contended, that the present was a defensive war; but could not agree with those who said, that because it was a defensive war, this country had no right to interfere with the internal concerns of the enemy. From nothing that he had ever known or could find in history, was such a doctrine to be deduced as that, because we were to act on the defensive, we were not to weaken by any means in our power the strength of our enemy: as well might it be said that a man, with his back at a wall, firing against an antagonist, ought only to parry and never to push against that antagonist, even though an opportunity occurred; in this way, certainly the person on his defence must inevitably be subdued at last; and just so it would be found with any two powers, even supposing them to be equally matched; for if that power who acted upon the defensive system, did not endeavour to conquer, by every means in its power, the enemy, it must undoubtedly at length be conquered.

As to the assertion that Ministers had forced France into a war, he would encounter it with a paper he held in his hand, which never yet had been alluded to in any argument in that House, but which could not but have great and decisive weight when put into the scale, even against the eloquence of the noble Duke. This paper was the letter of Monsieur de la ——— to Monsieur Neckar, in which he makes use of these words: "But I shall regret all my life, "that France provoked war, and set Europe against her." Yet, said his Lordship, noble Peers are now found in this House to throw the odium of having instigated the French to war on us, and to accuse Great Britain of being the aggressor. On this point he thought it almost superfluous to remind the House, that the Girondists accused the Jacobins, and the Jacobins the Girondists, of being the authors of the war; but all agreed in that great substantial point, that it was not any foreign power that provoked or began it. On the subject of laying an embargo on corn, as a part of that supposed pro-

vocation given by this country, he stated, to refresh their Lordships' memory, that Brissot had given orders to prepare a fleet with all possible dispatch, and to purchase up all the provisions that could be procured. Had not Ministers then taken measures to prevent as much as possible those purchases being effected, they would have been guilty of a criminal dereliction of their duty; and those very Peers who now made that act the subject of animadversion, would be the first to stand forth in that case, and accuse Ministers (with justice too) of having betrayed the interests of their country. As to the King of Prussia's deserting the confederacy, he denied the fact. That Monarch had indeed declared, that he was unable to maintain so very large a force as was expected from him in the field, but fulfilled, and offered to continue to fulfil, all his engagements by treaty, by not only furnishing his contingent as a Member of the Germanic body, but also the quota reserved by his treaties with Holland and Great Britain. This, his Lordship thought, was far from being a desertion of the alliance. But a new principle had that night been broached; and it had been asked why, if it was a defensive war, we carried hostilities against the enemy's country? It was the first time he had heard it laid down as a doctrine, that because a war was defensive, the assailant should not be attacked. He, for his part thought, that the best mode of defence was to carry the war into the enemy's country. "Whence arises," said his Lordship, "this officious care of the Gallic nation? How comes it that we observe feelings to operate in the present instance that never were known before? It cannot be partiality to the French! what, then, can it be? or what motive produces this strange phenomenon in the minds of Englishmen? Whatever may be the origin of those feelings, I thank God their influence is not very extensive; and I am sure, that as the mass of the people of this country unequivocally approve of the conduct of Ministers, so the measures adopted by them on the subject in question will be handed down to posterity with applause and honour." The noble Earl then observed, that to one part of the noble Duke's motion he had not the smallest objection, viz. to that which went to declare to France what was the object of the war. His construction of the object was, the destruction of that anarchy and usurped power which now prevailed in that country; and the restoration of order and legal Government. He had always been of opinion, that an hereditary monarchy was best suited to the French character, and most congenial to the sentiment of the considerate part of the nation. He concluded by saying, that he had no doubt of the ultimate success of the war, if it was pursued with vigour.

The Duke of GRAFTON rose again in explanation. He said that at the time when he left the situation which he had held in Administration, the public debt of the country amounted to one hundred and thirty millions, and it now was more than doubled. This circumstance, had there been no other, warranted all that he had said about the resources of the country, and the state to which we had been reduced by wars, and which, he might add, had made wars seem necessary. He said he had always disapproved of the funding system, and it had always been his wish that the necessary supplies of the year should be provided for and paid within the year; for we certainly had no right to indulge in speculations for our own purposes, to the oppression and ruin of our posterity. He, with a large family at his back, would have no objection to contribute to the expences of the State in a manner proportionable to the property he possessed: and certainly in public as in private life, he never could be reckoned a good character, who, for his own temporary purposes, indulged in extravagance, merely because he could, to avoid the immediate consequences, transfer them to his successor, whom he knew it inevitably must ruin.

Lord ABINGDON said, "A new species of oratory having been lately introduced into this House from one savage people, in order, I presume, to accustom our ears to another dialect intended soon for our adoption from another savage nation, I will, my Lords, with your Lordships' leave, in delivering the little I have to say on this motion, give the House a small specimen of each:

"*Children*—I was in hopes, Children, that the dangers to which, Children, you seem, Children, to be so much exposed, Children, from this savage war, Children, would have made ye, Children, lay aside, Children, these *childish* motions, Children.

"The other dialect is this:

"*Citizens*—It being my fixed determination, Citizens, as in the National Convention, Citizens, never to go, Citizens, to the *Mountain* side of this House, Citizens, it is with peculiar pleasure, Citizens, I see, Citizens, the Mountain side of the House, Citizens, is coming over to me, Citizens; the consequence of which, Citizens, is, that this Mountain, Citizens, will at length, Citizens, produce a mouse, Citizens.

"And now one word on the motion itself. The best road to *Peace*, my Lords, is *War*, and that in the manner we are taught to worship our Creator, namely, by carrying it on with all our souls, with all our minds, with all our hearts, and with all our strength; and so, my Lords, I am against this motion."

The Earl of ALBEMARLE noticed what had fallen from a

noble Lord in the early part of the debate, that it was neceffary for every one to avow his fentiments, and coinciding with that noble Lord in this opinion, he faid, he could not give a filent vote upon the refolutions. He declared folemnly, that he faw no caufe or reafon for alarm in this country, or the late unconftitutional proceedings; that he firmly believed a peace, a permanent peace, might be made with the French; that the prefent war was unneceffary and unjuft, and that the objects of it had ceafed to exift, and the nature of it was now entirely changed. He entreated the Houfe to confider the magnitude of the fubject before them, and reflect, that the bloody conteft now going on, on the Continent, could not but be held by individuals in the utmoft deteftation. It was eafy to mention the lofs of twelve thoufand men in one engagement; but the horror of fuch carnage, could better be conceived than defcribed; the impreffion it had on his mind could not be eradicated. He was convinced that it was impoffible for us to obtain final fuccefs, and he would always oppofe a war which was likely to tarnifh the honour of the Britifh name, where fuccefs was impoffible, and failure certain. Indeed, to be convinced of the futility of all expectations of a favourable iffue, it was only neceffary to look to the event of the two laft campaigns.

The Earl of LAUDERDALE expreffed his inclination not to detain the Houfe but for a fhort time. He confidered it however as his duty to offer that tribute of praife and thanks to the noble Duke for the motion which he had brought forward, and much more particularly for the able, manly, and eloquent manner in which he had brought it forward; to compliment the noble Duke in adequate terms, however merited, and however fincerely they might come from him, was a tafk that were he equal to, the delicacy arifing from the noble Duke's being prefent, muft prevent him from attempting. But there was one point which he could not omit to mention, and that was, when a perfon of the noble Duke's high rank, large property, and the great talents which he had that night fhewn, thought it his duty to come forward with thefe refolutions, fo well adapted to the interefts of his country, this muft give the lie direct to all thofe infinuations he was forry to hear within doors, and all thofe mifreprefentations without doors, by which an attempt was made to hold out to the people, that all who were not friends to the war, and the deftructive fyftem of the prefent Minifters, were enemies to their country, and men who wifhed to fubvert the Conftitution, and overturn all order in the Government, religion, and property of this country. Surely this would not be afcribed to his

noble friend, or the other noble Duke who had ſpoken next, as their motives for the part which they took upon the preſent occaſion.

The noble Earl then conſidered the arguments on the oppoſite ſide of the queſtion. Firſt, ſaid he, a noble Lord in his comments on the ſpeech of my noble friend, obſerved, that he had urged nothing new.—New! What novelty does he expect? What novelty would he deſire? Does not every Gazette gratify his eager curioſity? Does not every letter from the Continent, bring new accounts of expenditure, and new accounts of blood-ſhed? Theſe are arguments againſt the war, and ſtrong ones too. Every day we receive new proofs of the increaſe of our expenditure, and new returns of the loſs of lives and ſoldiers. If the people complained, his Lordſhip conceived, that in ſome meaſure, they ſhould be forgiven for doing ſo; and he blamed that ſyſtem of proſecution carried on by ſpies and informers employed to provoke and irritate men's minds. How many families are reduced by the increaſing poor rates, the accumulation of taxes, and the decay of trade to the moſt abject ſtate of penury and wretchedneſs; and, ſurely, if with a heart-burſting ſigh, they pour out a ſentence of reproach againſt thoſe whom they conſidered as the authors of their calamities—if, when in want of ſubſiſtence, they venture to complain, the diſtreſs of their ſituation ſhould be conſidered, and the haſty expreſſions of their anguiſh or impatience buried in oblivion. With regard to the poſſibility of making peace, he ſaw none of thoſe difficulties which ſome people were afraid of, and ſuch difficulties as were, he believed, created by thoſe who ſaid, Whom can you treat with, and ſo preclude a particular deſcription of men from being in any ſituation to make peace with. He replied to what Lord Auckland ſaid about the wording of his memorial, and contended that almoſt the whole of the conduct of Miniſters during the war, had been a violation of the laws of nations. He reprobated the idea that this country muſt never make peace, till the ancient monarchy of France was re-eſtabliſhed, and every man replaced in his former ſituation. With regard to the opinions of the people in that country being for monarchy, he had been in it, and from the beſt information he could get there, or learn ſince, he never heard that ſuch was their wiſh, however much they might be diſpleaſed with the ruling party at the time. The noble Earl went minutely over the whole circumſtances of the war, and the conduct of both countries. He deſcribed the deplorable ſituation of our allies, the interruption of manufactures and commerce, and the riſe of inſurance at home. He ſaid that even admitting the reſources of the country to be in the moſt favourable ſtate, it certainly required prudence to manage

them. He dwelt upon the reliance which Miniſters had always entertained, that by the efforts of well diſciplined troops they would be able to conquer France. Every man who knew what had already taken place, muſt give up that idea, and acknowledge, as all military men did, that two campaigns of hard fighting were the beſt ſchool for making good ſoldiers. He then reviewed the ſituation of the armies abroad, and took notice of the returns in the Gazette, with all the deſpicable duplicity uſed to conceal the true ſtatement from the people, and delude them with miſtaken notions of ſucceſs. Of theſe the ſtriking inſtances he recited were the ſuppreſſion of the names of officers, however brave and active, by any means related to or connected with perſons of oppoſite opinions to the Miniſter in this country. He named in particular, Colonel Fox, an officer who had ſignalized himſelf in repeated engagements, and whoſe name had as often been returned, but as often omitted in the publication. The other artifices he mentioned were the delays in the account of a defeat, and the acceleration in the report of a victory; the immediate return of the killed and wounded of the enemy whenever unſucceſsful, and, *vice verſa*, the ſum total of the loſs of the enemy, with the loſs of the Engliſh only, omitting that of the other combined powers, whereby the ignorant, the credulous, and ſuperficial, were induced to believe that the Britiſh forces are ſo infinitely ſuperior to the French. He read the returns of the 22d, by way of illuſtration, and contraſted it with that given in the Journal of *Pere Ducheſne*, and the Bulletin of the Emperor. The Bulletin ſtated the loſs of the French at twelve thouſand, and the allies at ſix thouſand. With reſpect to our naval, as well as our land forces, the ſame artifices were viſible. Here, too, he remarked upon the ſpeech of a noble Lord, who had ſaid that not a ſhilling came from the pockets of the people. He was aware that the money for the ſubſidies would be paid out of the ſums raiſed at a former period for the preſervation of trade, but ſtill there were other ſums to be accounted for, and other loſſes, which muſt ultimately be ſuſtained by the people. He made obſervations on the loan for the Emperor, and the four hundred thouſand pounds which we ſhould certainly have to account for to the Dutch, as their quota of the Pruſſian ſubſidy. He then proceeded to ſhew how impolitic a war with France was for us as a commercial nation, ſince at the commencement we had ſo long diſclaimed all interference, and apparently approved ſo much of their proceedings that many perſons had aſſuredly laid out much money upon the church lands and demeſnes of the nobleſſe, which money was now forfeited, and could never be recovered. He next conſidered the meaſure

of this country, which he compared to the forced loan adopted by Barrere and the Committee of Safety. Endless indeed, were the shifts of the Ministers as to the object of the war. We originally acted (said the noble Lord) on the defensive, and engaged in it only to protect our allies; we then proceeded to establish the Constitution of 1789, and we now profess nothing less than the restoration of the ancient despotism. For this we risque every thing that is important to the country. Upon what grounds do we found our hopes of success? Are we more likely to obtain our object this year than the last, when a very large body of insurgents in La Vendee were disposed to co-operate with the Ministers of this country? Where are they now? The recent accounts from that country, conveyed by every newspaper in Europe, assure us that they are suppressed, vanquished, and destroyed. Notwithstanding the late insinuation that the French nation is hostile to the ruling Powers, and that the soldiers are ready to yield up their arms to the allies, fatal experience has but too well proved that they will never yield the palm of victory but when they are out-general'd or overpowered by numbers. Their present condition is worthy of remark; the whole nation has been trained to arms for the last three years.—Their veterans, and those of the allies, let it be supposed, have perished in the war, or died of age or disease; when the raw recruits of this country (gallant and valorous as Britons ever prove themselves) are brought to oppose them, it is more than can be expected that their native courage should prevail over discipline and experience. It is much to be feared, that the alienation of the Church lands and the estates of the emigrants have given to the mass of the people an interest in the support of the present rulers, that cannot be easily shaken by foreign armies. If, however, their whole system could be overturned, and we were to succeed in placing a Monarch upon the throne, we ought to calculate the expence of maintaining him in his situation, contrary to the wishes of the majority of the nation. Peace, for reasons which have been repeatedly mentioned in this House, is the most desirable thing for the nation at large, and therefore deserves the concurrence of every noble Lord who wishes well to the prosperity of his country. The noble Earl (Fitzwilliam) asserted that the monarchy of France must be established before peace could be restored. It was the first time he had heard that language from his Lordship, and he sincerely trusted it would be the last: taking it, therefore, in every point of view, he must support the propositions, which, for the happiness of the country, he hoped would be carried. He concluded, by reflecting that it was some consolation to him, amidst these proceed-

ings, that his name would go down to posterity on the journals of that House along with the noble Duke who proposed these resolutions.

Earl FITZWILLIAM, in explanation, said, that the Earl of Lauderdale had misconceived his argument, when he had stated it as going to the re-establishment of the ancient despotism of France, which had not been the drift of it. His Lordship said, that he had stated, and he was still of opinion, that the Government of the monarchic form was the most likely, indeed the only one from which could be rationally expected a remedy for the evils with which France was afflicted, and with which other nations were threatened. At the same time, his Lordship did not pretend to define what were the modifications to which kingly government should be subject in France.

Lord HAWKESBURY said, that if he was to answer all that had been said by noble Lords in the course of the debate, he should be obliged to answer every every thing that had been said on that side during the whole session; for every thing that had been said on every motion which had been made in that House had been collected into their arguments on that night: he would not, therefore, waste their time with such a dull repetition, but proceed to those few points which had any pretensions to novelty. He professed that he entertained a high respect for the noble Duke who brought forward the resolutions—for his rank, for his property, and for his talents; but he had heard from a noble Peer (Fitzwilliam) a speech of the best and noblest kind, the voice of a large, populous, trading, and manufacturing county. He would set the authority of the one against the authority of the other, and had little doubt which would preponderate in the minds of the House. His Lordship reminded the House, that there was no step which they should be so cautious in taking, as that of interfering with the Royal prerogative, more particularly in any thing respecting peace or war. The enemy might infer from it, that the legislative part of the Government was adverse to the executive, and thus make peace doubly difficult of attainment. It would blow the sparks of dissention too among our allies, and from that moment the enemy would rear their crest with more formidable boldness. His Lordship then proceeded to observe, that for two or three years Government declined interfering with the concerns of France; and in return for this friendly acquiescence, they attacked our allies; threatened ourselves; fomented sedition and discontent in the bowels of our country; and finally attacked us in open avowed hostility. As we had not interfered with them, his Lordship contended that

France should not have interfered with us; and from their making war, no one who knew the law of nations could call in question the propriety of our attacking them in every way that could conduce to our ultimate success. And he relied upon it, that no permanent peace could be hoped for with France, while the Government there was acting on their present system; that is to say, interfering with all other Governments. If, therefore, he was asked, what was the most speedy method of procuring peace, he would say, it was a change in that Government; and his Lordship declared that he was persuaded that a people of twenty-five millions could not possibly be held under a republican form of Government; and a proof of this was, that England, a nation of fewer inhabitants, and possessing for centuries a Government which contained a portion of republicanism in its composition, found it impossible to sink into a form totally republican; and after a lapse of fourteen years, returned, at the restoration, to the monarchical form of Government. His Lordship argued that the speech of the noble Earl (Lauderdale) tended to excite in the people of this country a spirit similar to that which animated the insurgents under Wat Tyler in the reign of Richard II. when he said that the manufacturers of Yorkshire and Lancashire would not bear to be taxed for the Quixotic attempt to force a King on the French people against their inclination; or to the same excesses which were committed by the mob of 1780, under Lord George Gordon; but that their Lordships must know, from history, how easily a weak monarch, aided almost singly by a Mayor of London, quelled the insurrection of Tyler, and his followers; and it was fresh in every noble Lord's recollection, that although much mischief had been done by the mob of 1780, yet in the end they were the victims of their own folly. His Lordship then adverted to an observation which had fallen from a noble Duke (Grafton), that instead of adding to the national debt, we should raise the whole money wanted each year by taxes. This was a most visionary plan. No man, he said, went greater or bolder lengths that way than his right honourable friend at the head of the Treasury had done already in the case of the Spanish armament; and in the present case, he still had done much, by pledging himself and the Parliament to apply a million yearly to the sinking fund.—Money, his Lordship added, never was so plentifully in circulation as at present; and the conquest of the West-India islands was a new and extraordinary source of wealth. They had, to his knowledge, produced to France ten millions yearly: we had already got two-thirds of them; so that there was a benefit accruing from the war of at least two-thirds of ten millions yearly, and he hoped shortly it

would amount to the whole of that yearly sum. This was not all; our manufacturers would be employed in increasing numbers, and wealth would by that means be daily flowing in upon us, in a constant and uniformly increasing proportion. From this prospect of our rising commerce, he insisted, that notwithstanding the expences incurred by the war, and the exertion which had been made, the country was far from being in that state of depression which noble Lords would affect to represent it in. He contended, that the restoration of monarchical Government in France, was the only foundation on which the peace of Europe could be secured and established.

The Marquis of LANSDOWNE began with paying the handsomest compliments to the noble Duke who brought forward the resolutions, and who, from his situation, rank, and property, must be allowed to have some stake in the country. Another noble Duke came forward in a manner equally honourable to himself and gratifying to his country; was it to be supposed that he who had been in such exalted situations as he had filled with so much credit, and who had so long retired to benefit his country in another way by improvements in agriculture, came from that retirement for such purposes as those which the enemies of the war were said to pursue? Or did any body believe that those noble Dukes and other Lords who formed the Opposition of that night, had any motives or intentions to subvert the constitution, and destroy the property of the country? Certainly not; and if a just comparison was to be made between the property and the motives of those who opposed the war, and those who supported it, the balance would be found in favour of the former, as far as respected the real interests of the country. And when he saw another noble Earl (Derby) strenuous in opposition, whose great property in the neighbourhood of Manchester and Liverpool was well known, could he be supposed to have an interest in confusion? He might, in the same manner, go through every noble Lord in Opposition, but it would be taking up their Lordships' time on a subject sufficiently notorious. It was said the minority was small, and consisted of only nine; but he believed those nine would soon increase to ninety: at any rate, small as the minority appeared, it was as numerous as His Majesty's Cabinet; and as to character, riches, property, and abilities, he would leave it to the country to determine which had the pre-eminence. He trusted Ministers would no longer level these calumnies at the Minority; the country would judge to which they were most applicable, the levellers or the levelled. There were in the country two other descriptions of men, alarmers and alarmists, he

need not state which were in fact the worst; if the latter meant well, in their effects, at least, they were as dangerous as the others. Much has been said on the danger of a Republic in France: where the sentiments of the greatest Statesmen had been baffled, he would not give a decided opinion; but as it was the fashion of Ministers continually to hazard opinions, he also would hazard his; he thought the best Government for France, and which would be eventually most advantageous to this country, would be a republican fœderal Government, such as that of America: with such a Government, we should have more security for peace, than under any Monarchy. It was chimerical to look for the restoration of Monarchy in France. Those who thought a coronation the cure for all political evil, likened the state of that country to our own previous to the restoration. He saw not the most distant points of similarity. Cromwell had but little alienated property. The great bulk of the fortunes of this country stood unimpaired and unsequestered. The kingly power was therefore necessary; it was the centre of union and the consolidation of interests. But no sober man could imagine, for a moment, if France were brought to-morrow to accept a Sovereign of our dictation, that any thing like restoration and restitution of property could ever now be made. The whole body of wealth had so totally passed away from its original possessors, that nothing like this recompence could ever be made. After the fate of the several propositions which had, in the course of the session, been submitted to the House by the noble Lords who agreed with him on political subjects, and by himself, he could not entertain the hope that the resolutions proposed that night by his noble friend (the Duke of Bedford) would be agreed to; but he hoped, and believed, that the discussion would induce the moderate body of the people at large, which constituted the real power of the State, to assemble in a legal manner in the course of the summer, and express their decided opinion on the evils under which we laboured in prosecuting a war, the motives and grounds of which had been so often changed by Ministers, and the termination of which appeared so distant. And he was convinced that the strong voice of the governed would produce upon the governing the salutary effect which it must always be attended with, that of awakening them to the true interests of the people. His Lordship adverted to the situation of the allied armies on the Continent, which, he maintained, were unable to subjugate France; it having appeared, by experience, that the veteran troops of Austria and Prussia, conducted by the ablest Generals of the age, had been inadequate to the attempt of conquering men who were inspired with the love of

the welfare of their country. As to the English troops on the Continent, the devastation among them might be conceived, from the fact, that boys of sixteen years of age were Captains of cavalry; that to replace the finest body of troops of that description, which perhaps the world ever saw, were sent out horses which had never been ridden, and men that never rode. From the most mature and dispassionate consideration he could give the conduct of Ministers, he thought it of such a rash and unjustifiable nature, that if he had any personal animosity to them, he could not wish them in a more infamous down-hill path to ruin than that they were proceeding in; and happy would it be for the country, if they were only likely to suffer for this misconduct, but if the same prodigality should be persisted in, so that the resources of the country should be exhausted, as was not unlikely, the ruin would be general, and there was no individual but must suffer. The noble Marquis then stated the immense resources for carrying on the war, which were possessed by the French. He said, that unfortunately the present campaign must now be indulged to speculation; but the resources of the country had already been strained beyond what they could bear, and he ardently hoped that hostilities, which destroyed our best interests, would be pursued no longer, and that the present perilous experiment would be the last. He concluded by saying, that he thought a motion of adjournment the most odious way of dismissing the subject, a mode which Ministers would not have adopted, had not the resolutions been such as they could not negative, and they dared not admit.

Lord GRENVILLE felt it unnecessary to enter much upon a subject which was sustained by no new grounds of argument, and upon which the House had so frequently decided. He thought it right, however, to counteract any impression which the desponding speeches of some noble Lords might possibly make upon the hopes and expectation of the Public! For this purpose he would cursorily take the question in three points of view. First, as it regarded our comparative situation with the enemy in the progress of the war. Secondly, our resources in wealth and commerce, to continue it while necessary. And Thirdly, the internal strength of this country contrasted with that of its adversary. Not to dwell for the present upon the objects of the war, which must ever depend upon, and change with circumstances, the leading purpose at every time must be the attainment of secure and permanent peace. This was an object which the Government of France, ever since the commencement of hostilities, had constantly put it out of our power to attain. If we had entered into any negociation with the persons

who last year exercised the powers of Government in France, the execution of Brissot and his confederates would shew us how delusive and vain such an attempt must prove. By a late proceeding of the Convention, it would be manifest that the present Government was as precarious and unsubstantial as that of its predecessors; for Barrere, in his Report of the conspiracy of his former colleague Danton, declared that if his arrest and execution had been suspended for a single day, the lives of the Committee of public safety, as well as those of the Convention, would indubitably have been the immediate and inevitable sacrifice. So that till the present monstrous system was absolutely overthrown, there was no authority with which we could treat with any degree of safety. But independent of the radical imperfection of such a Government, the present rulers shewed so inveterate a malignity to this country, that it would be folly to rely on the sincerity of their intentions, if indeed England had not too much at stake to admit of any compromise. When a noble Marquis (Lansdowne) said, that the Peers of opposition were not likely to sacrifice their property to the wild plans of revolution, the noble Marquis might have asked himself, whether the Government, and the great body of Parliament, might not also have some feelings of the same kind? Whether they had not some little abilities too? And, whether there were not among them some entitled to the character of integrity. He would not unnecessarily detain them with any remarks on our comparative situation in the progress of the war. The slightest view would shew that our advances were such as had never been exceeded in any first campaign with which our history was acquainted. But he was anxious to come to a circumstance mentioned in the debate, which was certainly of a nature that he little expected to hear. He meant the industry which was supposed to be used by His Majesty's servants to keep back the name of General Fox, or suppress that good opinion which his country ought to entertain of his services. He professed himself totally uninformed respecting those papers which Lord Lauderdale referred to; but in the authentic accounts sent over by the illustrious Commander in Chief, under whom General Fox served, he was mentioned with that eulogy which his gallant conduct called for; and there was nothing which the Ministers of His Majesty would more despise, than the meanness of underrating the General's services, on account of the political differences they might have with any of his connections at home. In the conduct of every war, a nation must reasonably expect to meet with some of its vicissitudes, and with only this abatement, we could rely with confidence on the superiority of skill and discipline in our soldiers and officers, which scarcely fail of producing a successful is-

fue to the contest. If we looked to foreign acquisitions, our advantages were unbounded. In the West Indies we had conquered almost all that the enemy possessed in those quarters, and which formerly furnished them with great resources for war. In the East, we must perceive, that not a place was left which France could call her own; and this was a sufficient argument to shew our maritime and commercial superiority. The trade of those distant dependencies would pour new streams of wealth into the lap of Great Britain, and such was at this moment the flourishing state of our commerce and our credit, however expensive and unavoidably so the continuance of the war had been, that the nation hitherto had felt little inconvenience from its pressure. In contrast with this picture he placed the miserable condition of France, its desperate resources, annihilated commerce, and ruined revenues. All property in that country was perfectly destroyed. A decree of the Convention would show, that no man in France could possess a property of more than 200l. annual income; nor was there any reason to doubt that such a decree would be enforced with all the rigour and injustice in which it had originated. As to the extent of the disaffection which prevailed in France to the existing Government, that from the uncertainty of the fact, and the impossibility of obtaining any precise statement, he was willing to own, must be matter of opinion: but to men possessed of feelings, and sensible of the advantages and comforts of any social order, it would be a fair inference, that the disaffection must be very extensive. It might not be very easy to ascertain the number of men in arms against the Convention, but the letters of its own Commissioners would explain, that in all the north west provinces there was scarcely an individual man who owned any obedience to the present oppressors. If the feelings of the House could bear the recitals, even such as those were which reached us of the horrid carnage every day committed at Lyons, Toulon, and other provinces of France, it would not admit of a doubt but the majority of the people felt their shocking situation, and were only prevented by their fears of immediate punishment and death from uniting to overthrow a tyranny which in the nature of things must be of short duration Thus circumstanced, it must of course be expected that the cause of the allies would be greatly assisted in the interior of France, and the numbers who now were submissive under the influence of terror, would readily co-operate with us whenever they had a prospect of success. Flattering as this prospect of affairs must be, he was ready to admit, that if the view was totally reversed, and our circumstances as bad as any man could paint them, he would still persevere in trying the effect of war, and rely upon the spirit of Britons, to

hazard a last effort, and bravely perish in arms, rather than resign at the feet of their assailants the inestimable advantages of order and civilization. Finding on the other hand, that we had every thing in our favour to inspire confidence of success, he would resist any motion which would have no other effect than depressing the courage of the people, swelling the pride of our enemies, and insinuating a spirit of distrust and disunion amongst our allies.

Lord AUCKLAND after a few words in explanation, moved an amendment to his former motion, the effect of which would be, that the question should be put for an adjournment to Monday instead of to-morrow. He declined making any reply to the speech of the Marquis of Lansdowne, as their opinions upon the whole of this great subject were so radically and diametrically opposite, that it would be quite impossible for any argument or discussion to reconcile them.

The Duke of BEDFORD expressed himself unwilling to occupy at so late an hour much of their Lordships time in reply, and particularly as he saw, from the tendency of the speeches against his motion, that no prospect opened for a termination of the war. It might be true, that at present the people felt not the pressure of those burdens which the nation was incurring, but it must also be observed that the time would come when their feelings would inevitably be excited, and when their indignation against the Ministers who were the cause of the calamity, might unfortunately break out with a violence that would operate to the general confusion of the country. There were many of the measures of Administration for which he allowed them every merit, nor would he now impugn the motives altogether of their conduct; but he wished them to reflect seriously upon those dangers to which they were exposing their country. The prospect of peace was dismal and distant indeed, if we were only to look for it in the issue of a war, which was to exterminate twenty-five millions of people. He scouted the idea of deriving security from any particular form of Government being vested in any particular set of men. Give a great nation such a peace as a great nation has a right to expect and receive, and that would be the best security for its permanent continuance. From the language now held out, France was to consider that it was to have no peace with this country at all, without conforming to our dictates with respect to the sort of Government it ought to adopt. He would not dispute but our troops might be much superior to the enemy in discipline, and our Generals in skill, but he distrusted their final success against a foe whose numbers were incalculable. He also allowed that our foreign conquests in different parts of the globe reflected honour on our arms,

and our Commanders; but he could perceive no solid advantage in those acquisitions, but as they might be made the instruments of procuring the sovereign object of a general peace. The motive which he had in giving to his resolutions the shape in which they were proposed, was, not to offend any of their Lordships by what might be deemed an improper interference with the royal prerogative. He considered the sense of the manufacturers to be against the war; he could foresee no advantages that would accrue from its continuance, and wished to prevent those consequences which might result from its imposing new taxes upon a people already burdened as much as they could bear. Without being answerable for the success of his propositions, he would console himself with the reflection of having done his duty. As to the charge made against him, of treating the name of Barrere with too little respect, he would only say, that he spoke of him as he felt. He approved the first revolution, which promised to restore liberty to France. The circumstances that since succeeded it, excited his utmost abhorrence, and he could not esteem a man who was a leader in such transactions. But if he paid Barrere no compliment, he did not at least disgrace him, when he placed him in the same line of argument, which he thought it necessary to apply to the Ministers of this country.

The House then divided on the question for an adjournment, when the numbers were

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	Majority	100

List of the Minority in the House of Lords on the Duke of Bedford's motion.

Dukes of Bedford,
Norfolk, and
Grafton,
Marq. of Lansdowne,
Earls of Guildford,
Lauderdale,
Derby,
Earls of Thanet,
Albemarle,
Egmont, and
Stanhope.
Lords Chedworth, and
St. John.

Monday, 2d June.

No debate.

Tuesday, 3d June.

On the Statute Labour bill being read a third time,

Earl STANHOPE objected to the power which it gave to Justices of the Peace; which power he called an arbitrary one, inasmuch as it allowed the Magistrate to shew that lenity to one man, which he might deny to another; and therefore he should move an amendment to alter that part of the bill.

A short conversation ensued, in which the truth of that assertion of Lord Stanhope was denied by Earl Spencer, Lord Auckland, and the Lord Chancellor.

Earl STANHOPE, notwithstanding, insisted on his motion being put, which, with several other amendments by the same noble Lord, were all negatived without a division, and the bill passed, and was ordered to the Commons.

Earl of LAUDERDALE moved, that the House be summoned to attend their duty on Thursday next.—Ordered.

The House adjourned to Thursday.

Thursday, 5th June.

No debate.

Friday, 6th June.

The Earl of HARDWICKE presented the following petition from Mr. Hastings, addressed to their Lordships.

" THAT it is with the greatest reluctance and concern that your petitioner feels himself obliged once more to address your Lordships on the subject of this long-depending trial.

" Your petitioner begs leave to lay before your Lordships, his well-founded apprehensions, excited by the manner in which the general reply on the part of the Managers is now evidently conducted, that such reply is meant to be extended beyond the probable limits of the present session of Parliament.

" Your petitioner hopes he may be allowed to bring to your Lordships' recollection, that the reply was, at the instance of the Managers, adjourned over from the last year, under the assurance of an accelerated and early termination of it, and that the whole of the present session, except a small interruption occasioned by the examination of the Marquis Cornwallis, has been employed by the honourable Managers. Notwithstanding that, your petitioner has, for the purpose of dispatch, in addition to the sacrifices made for a similar purpose in the last year, waved his right to observe by his counsel on the new evidence adduced in reply.

" Your petitioner begs leave again to suggest to your Lordships, the unexampled duration of his trial, the indefinite period to which it may be still farther protracted, and the extreme vexation and injury to which he would be subjected, if the intention on the part of his prosecutors should be suffered to have effect.

"He implores, therefore, of your Lordships' humanity and justice, that such measures may be adopted on the part of your Lordships, as may assure to your petitioner the speedy termination of this painful and unparalleled proceeding; and farther, if need should be, that your Lordships will graciously condescend, in such manner as to the wisdom and dignity of your Lordships may seem meet, to become suitors to His Majesty's goodness in his behalf, that the present session of Parliament may be permitted to continue till the reply on the part of the honourable Managers for the House of Commons shall be fully and finally closed.

(Signed) WARREN HASTINGS."

Westminster-hall, 5th June, 1794.

The House adjourned.

Saturday, 7th June.

LORD PRIVY SEAL (the Marquis of Stafford) brought up the Second Report of the Committee of Secrecy.

The title being read, the Report was ordered to be printed.

Wednesday, 11th June.

Lord GRENVILLE gave notice, that he should, on Friday the 13th, move a vote of thanks to Earl Howe, for his late glorious victory over the French. His Lordship also said, that as in all probability there would be a full attendance of their Lordships on that day, he should consider it as a proper opportunity to take into consideration the Report of the Secret Committee.

The Earl of LAUDERDALE said, as there might probably arise a debate on both those subjects, he should advise the noble Lord to appoint separate days for the discussion of each.

Lord GRENVILLE could not conceive how it was possible for any noble Lord to have an objection to thank our naval commander and his gallant officers for their most splendid victory over the enemy, or what species of argument could call such a proposition into debate; and, as he could have no idea of a dissent to what he should propose, he should not follow the noble Earl's advice.

The Earl of LAUDERDALE said, he wished the House would not separate with a wrong impression of what he had said; it was very far from his intention, and he believed from the intention of every Member of the House, to make any opposition to the vote of thanks to Earl Howe, &c.; it was undoubtedly well merited, and would arise from the gratitude every man of this country must be impressed with for their great services; but it was equally necessary to expect, that some Members of the House might take that opportunity to comment on the events of the war, which might possibly

bring on a debate, on which account he wished a day might be appointed for that purpose alone.

Lord GRENVILLE replied, that the vote of thanks was not connected with the merits of the war.

The LORD CHANCELLOR put the question to adjourn.

Thursday, 12th June.

No debate.

Friday, 13th June.

Lord GRENVILLE rose, he said, in consequence of the notice which he had the honour of giving their Lordships on Wednesday, of his intention of moving the thanks of their Lordships to Lord Howe. This was a subject upon which he was sure such perfect unanimity must prevail, any attempt on his part to expatiate upon the circumstances attending the late glorious victory obtained by His Majesty's fleet under the command of that able and gallant Admiral, would be perfectly unnecessary. He could not, however, avoid saying, that when all the circumstances of the late engagement were considered, it would be found to be one of the most glorious to this country of any that are to be found in its naval history; for, exclusive of that determined courage which has always characterised the English seamen, there was a degree of skill and science displayed by the noble Lord that never was exceeded upon any former occasion. Thus much his feelings had prompted him to say; and he should conclude with moving,

That the thanks of the House be given to Admiral Earl Howe, for the important services rendered to his country, by his able and gallant conduct in the victory obtained by the fleet under his command, over the French fleet, on the 1st of June, 1794 *.

* It may be proper that some account of this memorable victory, the most brilliant and complete ever atchieved in the annals of the British navy, should accompany this testimony of the approbation of Parliament, and it cannot be better recorded than in the words of the gallant Admiral Earl Howe, in his letter, inserted in the London Gazette Extraordinary of June 10, 1794.

Admiralty-Office, June 10, 1794.

Sir Roger Curtis, first Captain to Admiral Earl Howe, arrived this evening with a dispatch from his Lordship to Mr. Stephens, of which the following is a copy:

Queen Charlotte, at Sea, June 2, 1794,
Ushant, E. half N. 140 leagues.

SIR,

Thinking it may not be necessary to make a more particular report of my proceedings with the fleet for the present information of the

That the thanks of the House be given to Rear-Admirals Hood, Greaves, Cornwall, Pasley, Bowyer, and Sir R. Curtis, and to all the Captains and officers of the fleet, for their brave and gallant behaviour during that engagement:

Lords Commissioners of the Admiralty, I confine my communications chiefly, in this dispatch to the occurrences when in presence of the enemy yesterday.

Finding, on my return off Brest on the 19th past, that the French fleet had, a few days before, put to sea; and receiving, on the same evening, advices from Rear-Admiral Montagu, I deemed it requisite to endeavour to form a junction with the Rear-Admiral as soon as possible, and proceeded immediately for the station on which he meant to wait for the return of the Venus.

But having gained very credible intelligence, on the 21st of the same month, whereby I had reason to suppose the French fleet was then but a few leagues farther to the westward, the course before steered was altered accordingly.

On the morning of the 28th, the enemy were discovered far to windward, and partial actions were engaged with them that evening and the next day.

The weather gage having been obtained in the progress of the last-mentioned day, and the fleet being in a situation for bringing the enemy to close action the 1st instant, the ships bore up together for that purpose, between seven and eight o'clock in the morning.

The French, their force consisting of twenty-six ships of the line, opposed to His Majesty's fleet of twenty-five (the Audacious having parted company with the sternmost ship of the enemy's line, captured in the night of the 28th) waited for the action, and sustained the attack with their customary resolution.

In less than an hour after the close action commenced in the centre, the French Admiral engaged by the Queen Charlotte crowded off, and was followed by most of the ships of his van in condition to carry sail after him, leaving with us about ten or twelve of his crippled or totally dismasted ships, exclusive of one sunk in the engagement. The Queen Charlotte had then lost her fore topmast, and the main topmast fell over the side very soon after.

The greater number of the other ships of the British fleet were, at this time, so much disabled or widely separated, and under such circumstances with respect to those ships of the enemy in a state of action, and with which the firing was still continued, that two or three, even of their dismantled ships, attempting to get away under a spritsail singly, or smaller sail raised on the stump of the foremast, could not be detained.

Seven remained in our possession, one of which, however, sunk before the adequate assistance could be given to her crew; but many were saved.

The Brunswick, having lost her mizen-mast in the action, and drifted to leeward of the French retreating ships, was obliged to put away large to the northward from them. Not seeing her chased by the enemy, in that predicament, I flatter myself, she may arrive in safety at Plymouth. All the other twenty-four ships of His Majesty's fleet re-assembled later in the day, and I am preparing to return with them, as soon as the captured ships of the enemy are secured, for Spithead.

That the House does highly approve of the conduct of the seamen, soldiers, and marines, on board the fleet; and that the officers of their respective ships do communicate the same to them: And,

That the Lord Chancellor do communicate the thanks of the House to Earl Howe.

The material injury to His Majesty's ships, I understand, is confined principally to their masts and yards, which I conclude will be speedily replaced.

I have not yet been able to collect regular accounts of the killed and wounded in the different ships. Captain Montagu is the only officer of his rank who fell in the action. The number of both descriptions, I hope, will prove small, the nature of the service considered; but I have the concern of being obliged to add, on the same subject, that Admiral Greaves has received a wound in the arm, and that Rear-Admirals Bowyer and Passley, and Captain Hutt, of the Queen, have each had a leg taken off; they are, however, (I have the satisfaction to hear) in a favourable state under those misfortunes. In the captured ships the numbers of killed and wounded appear to be very considerable.

Though I shall have, on the subject of these different actions of the enemy, distinguished examples hereafter to report, I presume the determined bravery of the several ranks of officers and the ships companies employed under my authority, will have been already sufficiently denoted by the effect of their spirited exertions; and, I trust, I shall be excused for postponing the more detailed narrative of the other transactions of the fleet thereon, for being communicated at a future opportunity: more especially as my first Captain, Sir Roger Curtis, who is charged with this dispatch, will be able to give the farther information the Lords Commissioners of the Admiralty may at this time require. It is incumbent on me, nevertheless, now to add, that I am greatly indebted to him for his councils as well as conduct in every branch of my official duties: and I have similar assistance in the late occurrences, to acknowledge of my second Captain, Sir Andrew Douglas.

I am, with great consideration, Sir,
Your most obedient servant,

HOWE.

P. S. The names and force of the captured French ships with the fleet is transmitted herewith.

List of French ships captured on the 1st day of June, 1794.

La Juste — — — 80 Guns.
Sans Pareille — — 80
L'America — — 74
L'Achille — — — 74
Northumberland — — 74
L'Impetueux — — 74
Vengeur — — — 74 sunk almost immediately upon being taken possession of.

N. B. The ship stated to have been captured on the evening of the 28th of last month, is said by the prisoners to be the Revolutionaire of 120 guns.

Lord GRENVILLE said, that with respect to this last motion, he wished to observe, that it certainly would be more gratifying to the House to have an opportunity of declaring their sentiments to the noble Admiral personally in his place, but the present situation of affairs would render his absence from the fleet extremely inconvenient; and therefore he thought it would be better to have the thanks of the House transmitted by the Lord Chancellor.

The Duke of GRAFTON said, that he knew the orders of the House did not require that any motion should be seconded: if they did, he should have been zealous to have the honour of standing forward upon this occasion. He could not, however, avoid saying a few words upon this subject. He had had the honour of living in habits of the greatest intimacy and friendship with the noble Admiral for a period of above thirty-five years, and during that whole time, he had formed but one opinion of him, which was, that exclusive of his valuable qualities as a man, he was most eminently distinguished as a statesman, a seaman, and a hero. If he were to attempt, upon this occasion, to call to the recollection of the House, the various important services performed by the noble Lord for his country, his want of abilities to describe them might perhaps take from the lustre which belonged to them: he could not, however, avoid just mentioning some of the many glorious exploits performed by the noble Lord, which must for ever ensure to him the gratitude of his country. The skill and bravery displayed by him in the war before the last, when he brought the Magnanime, which he then commanded, close to a fort on the Isle of Rhe, and silenced it, was an act which at that time excited the admiration of the whole kingdom. When afterwards he acted, together with the late Admiral Keppel, under the celebrated Lord Hawke, in the engagement on the coast of France with Monsieur de Conflans, he conducted himself in such a manner as to receive from Lord Hawke the most distinguished marks of approbation. Passing over a variety of other important services, he should come to a period when Lord Howe had a command in America last war; and here he would venture to say, that if his conduct in that service was tried by the tests of truth and candour, the result would be highly to his honour. He came now to a circumstance which excited the astonishment and admiration of all Europe, and was alone sufficient to rank him among the first seamen this country ever produced—he meant, the relief of Gibraltar, in the face of the combined fleets of France and Spain, which were at that time more in number by one third than his own. It was upon this occasion that the great Frederick of Prussia paid his tribute of approbation to Lord Howe, in a letter which he sent him

through the medium of his Minifter at this Court. If any more was neceffary to eftablifh the character of this gallant Admiral, it only remained to mention his laft glorious victory, by which the naval fuperiority of England was clearly afcertained. His Grace faid, he was fure there was not one noble Lord in that Houfe— nay more, that there was not one True Briton, who did not feel the utmoft gratitude to the noble Lord for his important fervices; and if it could be faid of any man, it might be faid of him, " He may read his hiftory in a nation's eyes."

The Duke of BEDFORD alfo perfectly agreed with the motions and praifes of the noble Earl, becaufe he did not think they were ever more deferved. That the victory was a great and glorious one, every man would chearfully bear his teftimony; and to him it was doubly fo, becaufe he had his hopes it might be the caufe of leading to a peace. The French would and muft be convinced by it, that they were by no means a match for the Britifh failors on that element where they had fo long maintained the fuperiority; as our Minifters, he trufted, would fhortly admit the folly of perfevering in an expenfive foreign campaign. Wherever England had acted in this her proper fphere, fhe had been uniformly fuccefsful, in the Eaft, in the Weft Indies, and in this laft action: if we had caufe to regret a failure any where, it was on the Continent, this clearly proved the abfurdity of a Quixotic campaign in Flanders, and, he hoped, would induce Minifters to truft more to what was the real bulwark of the nation; that was fufficient to protect us abroad, and preferve us from dangers at home.

Lord LAUDERDALE faid, that he felt himfelf bound to fay a few words, to prevent any mifconception of what had fallen from him when the Secretary of State gave notice of this motion. He was afraid he might be fuppofed to have intimated fomething like an idea of oppofing this motion, than which nothing could be farther from his intention. The conduct of the noble Lord who was the fubject of this motion, had been fuch as to render it impoffible for an idea of that kind to enter into the contemplation of any man in that Houfe, or in the kingdom. So far from oppofing, he wifhed to be among the foremoft in congratulating the noble Admiral, upon the glorious event. Whether, confidering the fervice upon which Lord Howe was fent, and the immenfe importance it was of to this country, a fufficient force had been allowed him, was a point which he would not then confider; but even if the force were infufficient, however blame might attach elfewhere, it muft tend to increafe the glory obtained by the noble Lord. He entertained the fame fentiments as the noble Duke upon this occafion; he was perfectly ready

to thank the noble Earl, and all the officers and men by whose exertions this great and glorious victory had been gained, and he should not now call to the recollection of the House, the extent of the force under the command of this noble Earl, or say any thing on the probable adequacy of it at the time it was sent upon the service which it had since so fortunately performed; these were points which he should wave for the present. He subscribed entirely to the vote of thanks; but he begged to be understood as expressing a hope that good use would be made of the victory we had gained, which was that of procuring peace. He maintained that the idea of conquering France for the purpose of establishing a form of Government was not now more rational than at any other period, and we ought now to take leave of it for ever. The people of this country had never had any such extravagant desires, they wished to see our superiority kept up at sea, but as to any conquest of ours over the French by land, they affected the people but slightly. Nothing could demonstrate this more readily, than referring to the sentiments of the people at large. Our success at Valenciennes, and some other events by land, was received with pretty general indifference; but when the news of the victory of our grand fleet arrived, every heart beat with rapture, and every countenance sparkled with joy; this ought to teach Government the genuine sentiments of the people. He was confident they now all felt that this country is entirely out of all danger, therefore an attempt at conquering France would be unnecessary and so lish, even admitting it to be possible. He therefore hoped that while we were thanking brave men as they justly merited, such uses would be made of the victory they had gained, as would be of benefit and advantage to this country at large.

Lord Viscount SYDNEY agreed in every thing that had been said to the honour of the character of the noble Earl, under whose command this glorious victory was gained; he followed the noble Duke who had brought forward some instances in which this great officer had distinguished himself, and agreed in the general conclusion drawn from them all, that the noble Earl had given many proofs of a great and able officer. He rejoiced as much as any man at this great and important victory; he thought it would answer the purpose to which victories ought always to be applied, the obtainment of peace; he thought this victory tended very much to peace; but he must observe, that peace was to be made, not by abandoning the war, but by fighting our enemies by sea and land; not by making a false estimate of our own strength, or of the strength of the enemy, but by following the example of the gallant Commander their Lordships were now about to thank; he wished

us to join unanimously in this idea, and follow up the example of one of the greatest men that ever lived, Admiral Howe, and we may hope for a glorious peace.

The Duke of CLARENCE said, that after so many noble Lords had stated their sentiments upon this subject, the House would forgive him if he trespassed a few moments upon their attention. By the late glorious victory obtained by Lord Howe, the superiority of the English was established, and he hoped would remain so for ever. He could not avoid observing, that in the two last wars, as well as upon the present occasion, when the fleets of England and France met upon equal terms, the superior skill and steadiness of the English were always manifested: this assertion was proved by three great naval victories; the first in the war before the last, when Lord Hawke gained so glorious a victory over M. de Conflans; the second in the last war, when Lord Rodney, on the memorable 12th of April, so completely defeated the French in the West Indies; and the third was the instance which they were then celebrating. He regarded this last act of his Lordship's, as one of the greatest that ever took place in the history of the country. He concluded by saying that he would not at present make any observations on what had been said by a noble Earl respecting the internal Government of a neighbouring country.

The order of the day was then read, for taking into consideration the Report of the Secret Committee. The title of the Report being read,

Lord GRENVILLE rose and said, he did not think it necessary that the whole of the Report should be read to their Lordships, because he was sure that every noble Lord had read it over with that attention which a subject of such magnitude and importance required. He hoped, that, having read it, he should find but one opinion in the House with respect to the measure which he should feel it his duty to propose. It would not be necessary for him to occupy much of their Lordships' time in submitting his reasons for proposing at this juncture to carry an address to the foot of the Throne, to assure His Majesty of their steady and loyal support, because the Report itself contained the strongest arguments that could possibly be offered upon the subject. It could surely be no longer contended, that there did not exist in this country a conspiracy, the object of which was, under the specious name of a reform, to subvert its Government, laws and religion. Fortunately the conspiracy was discovered in time, their plans developed, and their intentions frustrated. This conspiracy was the more dangerous, because it was not the effusion of temporary discontent, it was not the unpremeditated fury

of a thoughtless mob, but it was a cool, deliberate, systematic plan to destroy the Constitution of England, and to substitute in its place the tyranny of France. From a perusal of the Report, it would appear that this plan had been carrying on by persons in this country, in conjunction with others abroad, for more than two years; and they thought they had brought it to a state nearly ready to be carried into execution, when the whole was happily discovered. Their Lordships would find, that soon after the destruction of the Monarchy in France, a system of correspondence was established between certain clubs in this country and the new Government in that. In November 1792, formal addresses were sent from certain Societies here to the Convention of France, and received regular answers. These Societies, covering their real designs under the pretext of a reform in Parliament, took upon themselves to declare to the French Government, that the people of England were anxious to shake off the yoke which oppressed them, and to adopt the new system of liberty, they told them, that, however they might be kept from declaring their sentiments, the majority of the English were against the Government. Their Lordships would perceive, that the Committee had particularly described that Society, which, by way of eminence, was called The London Corresponding Society. This Society seemed to have been formed of, or at least to have been conducted by persons in a higher sphere of life, and more cultivated talents, than most of the other Societies. It was through the medium of this Society that a correspondence was kept up between the other Societies in different parts of the kingdom, and those infamous and destructive principles circulated, which tend to the destruction of all regular Government. Although the war between His Majesty and France interrupted the direct correspondence which before existed between the Societies here and those in France, it did not prevent the former from feeling a very strong interest in the cause of the French, nor from endeavouring, as much as they could, to justify every one of their measures, however hostile to this country. Having disseminated their pernicious principles to a considerable degree, and drawn many unthinking persons to join them, it became necessary to bring their principles into action, and to reap the fruits of their labours. For this purpose, they mentioned the propriety, and even necessity, of adopting the example of France, and call a General Convention, for the redress of grievances, and the reformation of abuses. In pursuance of this plan, that meeting, which took the title of The British Convention, met at Edinburgh in October 1793. His Lordship said, it would be wholly unnecessary for him to trace the whole of the proceedings of this pretended Con-

vention. They were not satisfied with adopting the destructive principles which have plunged France into desolation and ruin, but they followed as far as they could, the manner, and used the language of the French Convention. But all the eloquence and talents of the Members of this Convention could never have enabled them to carry into effect their infamous designs: something more effectual was wanting, and that was arms. Their Lordships would see traced out in the Report, the means adopted for the procuring of arms, and the nature of those arms. Considerable quantities of them were prepared, and would probably soon have been brought into us, if it had not been for the providential discovery made of their designs, and the measures taken to prevent them. His Lordship here wished to remark to the House, the deliberate and determined system with which these persons pursued their infamous project. It would be natural to suppose, that when some of the Members of the Contion were taken up and punished with transportation, when they knew they had offended against the laws of their country, they would have been deterred by the examples, and have renounced such seditious intentions; but the reverse was the case. When the Convention was dispersed, their Committee of emergency immediately began to sit, and to communicate with all the Societies established in different parts of the kingdom. He made this observation to shew, that the danger ought not to be treated as light, nor the conspirators with contempt, because it appeared, that what they wanted in numbers and importance, they made up by perseverance and boldness. Under all these circumstances, he hoped to find but one opinion among their Lordships. He was sure every one of them would stand forward in the defence of the Constitution of this country; and he was convinced, that, having perused the Report, there could be no doubt entertained of the existence of the conspiracy. He therefore hoped, that the address which he meant to propose, would meet with the universal approbation of the House. His Lordship concluded by moving,

"That an humble address be presented to His Majesty from the Lords Spiritual and Temporal in Parliament assembled, informing His Majesty, that they have taken into consideration his most gracious communication, relative to certain papers and transactions, militating against the public safety, and that they conceived it their bounden duty to lay before His Majesty their sentiments, that they have seen with concern a traitorous and seditious conspiracy against the authority of Parliament, and against their happy and glorious Constitution. And that they have beheld systematic plans, and wicked and detestable designs, leading to all the horrors of anarchy, with a firm conviction that they were avowed, and on the point of being executed.

"That their Lordships felt their gratitude for His Majesty's paternal

care to bring to exemplary punifhment the authors and abettors of all fuch plans as are repugnant to the exifting Government, and that they wifh to veft additional powers in the Executive Government, to provide for the public tranquillity, relying on His Majefty for the fuppreffion legally of fuch crimes; and that they were ready to give energy and vigour to that law by which they are protected, and by which they enjoy their liberties, and the prefervation of good order."

Lord GRENVILLE then faid, if this addrefs fhould meet the approbation of their Lordfhips, he fhould propofe, that it be fent to the Commons for their approbation, in order that it fhould be prefented to His Majefty as the joint addrefs of the two Houfes of Parliament.

Lord ABINGDON faid, "Your Lordfhips' Report from the Secret Committee having referred to projects of the moft defperate and flagitious nature, refpecting the Members of both Houfes of Parliament, I have, as a fpecimen of this, in my hand, a letter addreffed to me from the town of Glafgow, inclofing the fpeech of a noble Lord of this Houfe, which was printed, and in many thoufands, as it is faid, circulated there. The fpeech is intitled, "A Copy of that moft extraordinary Speech, delivered in the Houfe of Lords by the right honourable the Earl of Stanhope, on Thurfday the 23d of January, 1794, for the reftoration of peace, and acknowledging the French Republic." And the letter is as follows: "This moft excellent fpeech has been reprinted in Glafgow; many thoufands of it are now in circulation. Your "Horfe Laugh" is marked, and will be properly attended to." Your Lordfhips may remember, that when this fpeech was made, I faid that the beft argument in anfwer to it was, "A good loud Horfe laugh." It is for this anfwer then, that I am, thank God! a marked man; for who of your Lordfhips, calling himfelf an Englifhman, that would not be proud of fuch a mark? but I mention this now, not in addrefs to thofe of your Lordfhips who have any refpect for your own honour and dignity, but in admonition to thofe Sans-Culotte Lords of this Houfe, who, in carrying on their intrigues, and forming their parties within thefe walls, are as forgetful of themfelves as they are dead to the mifchief which they are fo refponfibly the occafion of without thefe walls. And this, my Lords, I fay in concern, as well as in admonition."

[illegible] Earl of LAUDERDALE faid, that having paid as much [illegible] as poffible to the Report, and to the fpeech of the noble [illegible] of State, he expected fomething like proofs of the ex[illegible] conspiracy, which would have fully warranted the pro[illegible] of carrying up to the Throne, the addrefs which had ju[illegible] [illegible] propofed. From all, however, that he had heard or feen,

there was no ſuch evidence, nor any ſufficient proof, that there was ſuch a conſpiracy. But if for a moment Miniſters were to get the argument their own way, the ſpeech of the noble Lord only went to a point that ought to bring criminality upon themſelves, for ſuffering this conſpiracy to proceed ſo long after it was known to exiſt, and for not taking the proper ſteps to nip it in the bud. Their ſyſtem ſeemed to be to nurſe ſedition till they thought it ripe for puniſhment, that the credit of puniſhing it ſeverely might be theirs, inſtead of checking it upon the firſt appearance, and rendering its conſequences ſo little to be dreaded as to prevent any fears upon the ſubject, of the neceſſity of any puniſhment at all: beſides, his Lordſhip contended, that by agreeing to the addreſs, they were pledging themſelves unjuſtifiably to ſupport facts, upon which no ſort of evidence whatever had been laid before them. And what, of all things, he thought it became their Lordſhips to conſider ſeriouſly, was the injuſtice of which they were likely to be guilty if this addreſs paſſed, by prejudging the caſes of their fellow-ſubjects who were now impriſoned, and to be brought to trial, for ſuppoſed offences connected with this conſpiracy. On this point their Lordſhips ought to conſult the dignity of their characters, as a Court of Judicature, which ought to prevent them from coming to any reſolution that could poſſibly influence juries, or affect the intereſts of thoſe unfortunate perſons when their trials came on, more particularly as they might afterwards come by appeal or writs of error, before that Houſe, for a final deciſion. The noble Earl then recurred to the proceedings of the Weſtminſter meeting, and other ſimilar meetings, held in the year 1780, for the expreſs and avowed purpoſes of electing delegates, and appointing meetings to take into conſideration certain grievances; to propoſe remedies, and in every ſenſe of the word to overawe the Parliament, in a much ſtronger degree, and with more violent expreſſions, than any that appeared in the Report. To corroborate his obſervations on this point, he read the minutes and reſolutions entered into at that time, and called the attention of the Houſe to the names of thoſe who attended them; it would be found that they were not men of a deſcription low and inconſiderable, but ſome of the firſt characters in the kingdom in point of rank, influence and property, viz. the Duke of Portland, Marquis of Rockingham, Earl of Derby, right honourable Thomas Townſhend, and many others equally reſpectable. He contended that theſe proceedings at that time were far more violent than thoſe of any of the Societies of the preſent day, and that the avowed purpoſe of them was to overawe the conduct of Parliament in a much more determined way; and yet the Legiſlature had not thought fit to take any notice

of them at all. Notwithstanding the forbearance of the Executive Government at that time, it never had been known that any harm resulted from these proceedings; on the contrary, the country had never experienced a more unexampled and peaceable state of prosperity, than it did for a considerable time afterwards. His Lordship then contrasted and pointed out the inconsistency that appeared between the Reports of the two Houses of Parliament, and stated wherein the contradictions were; he confessed he was rather inclined to think, that most attention had been paid to the drawing up of the Report in the other House. It was stated by the one, that the first appearance of those practices at Edinburgh, commenced at a meeting of the British Convention, in 1793, whereas the other laid particular stress upon two former meetings, which took place in 1792. The noble Lord concluded his speech by giving his dissent to the address. The noble Secretary of State frequently alluded to those who were called Loyalists in France, and he stated their number to be considerable, from the strong methods adopted against them by the Committee of Public Safety; and he would ask, might not Roberspierre and Barrere draw the same conclusions from these speeches and Reports of conspiracies here, and must not the French nation consider the assurances of the noble Secretary of State better authority than the deputation from any club whatever? Besides these principal objections, he contended there was a material difference between their Report and the one made by the Committee of the House of Commons; and he also conceived there was a considerable blame rested with Ministers, if their statement was true, because, if they knew of these seditious proceedings so early as 1792, in his opinion, it was their duty to have checked it in the bud, and not have suffered it to ripen, merely for the pleasure of shewing they had the power to punish. He did not, however, believe any more danger was to be apprehended from these Societies, than followed those in the year 1780 and as well might the riots of that period be considered as a settled plan of conspiracy as any thing which had appeared in the present period. For these reasons, particularly as it went to prejudge men before their trials, he was against the motion.

Lord SYDNEY apologized for delaying the noble Earl (Mansfield) who had offered himself to their attention; his own name having been mentioned as belonging to a Society, along with other very respectable names: the fact was, that he had never attended but once or twice, and for the plainest reason, he differed in a great degree from them upon the subject of parliamentary reform. For while almost every individual of them was for proposing and preferring a distinct plan of reform of his own, he had been equally

adverse to them all. Indeed, some of them went so far as to think that to be a Member of Parliament at all was objectionable. He stated two whimsical propositions of some Members in the Committee. The first was, that there should be no Members of Parliament permitted to associate with them in future; and the second was, that a gentleman, who had been expelled the House of Commons for bribery, and was imprisoned for six months in the King's Bench, immediately on his release was the first person chosen. His Lordship said, that perhaps for uttering these sentiments, he might be called an Aristocrat, a term of abuse which had lately become very fashionable in France, and of which, he confessed, he did not know the meaning, except he was to understand, from a late very extraordinary advertisement, that it meant *a person who rode in a carriage* *. When engaged in that Association which had been alluded to, he had the good fortune to concur with some of the most respectable names, such as the present Duke of Portland, and the late Marquis of Rockingham; names, which it was impossible to mention, without the highest veneration and respect. But, admitting even that he had been present, and approving of all that had been done in that Society, yet how would that involve him or them in any imputation similar to that thrown upon the present Societies? Was violence or arms ever thought of there? or was there any among them at that period who entertained or were suspected of any designs of overturning the constitution? They knew too well how much easier it was to throw down than to build up; nor were they so wild as to think of substituting vain fancies and untried speculation, for the solid advantages of experience and wisdom. There was one thing, indeed, if it could be called an alteration, to which he had promised, not perhaps his support, but to withhold his opposition, provided they went no farther. This was the addition to the number of the Knights of the Shire; but this was thought too moderate to be palatable, and was accordingly given up. With

* The following is a copy of the advertisement alluded to by his Lordship, published in the Morning Chronicle, June 13, 1794:

" Whereas an hired band of ruffians attacked my house in Mansfield street, in the dead of the night, between the 11th and 12th of June inst. and SET IT ON FIRE, at different times; and whereas a Gentleman's carriage passed several times, to and fro', in front of my house, and the Aristocrat, or other person, who was in the said carriage, gave money to the people in the street, to encourage them! This is to request the friends of liberty and good order, to send me any authentic information they can procure, respecting the name and place of abode of the said Aristocrat or other person who was in the carriage above mentioned, in order that he may be made amenable to the law.

STANHOPE.

respect to the present situation of affairs, he was so convinced of the danger which had been impending over our heads, that he cordially assented to the propriety of the Report made, and of course would support the address now moved.

The Earl of COVENTRY, in reply to the allusion made to his having been a Member of an Association, said, that the object had at that time been solely reform of Parliament; an object pursued by peaceable, legal, and constitutional means. There had at that time been no attempt to call a Convention, or to procure arms. Without being guilty, therefore, of the smallest inconsistency, the Earl said, he should that day support the motion for the address.

The Earl of LAUDERDALE explained that the noble Lord who spoke last had totally misunderstood the arguments he had used. He had not thrown any imputation upon that Society of which the noble Lord had been a member; but had asserted, as a fact, that the same imputations of disaffection and disloyalty, so liberally bestowed in the present day upon certain Societies, were equally liberally scattered at that period upon that Society.

The Earl of MANSFIELD declared, that he felt more than ordinary anxiety upon the present occasion, as he was about to deliver not merely his own sentiments upon the Report now before their Lordships, but those of a noble Duke (Portland), who, although labouring under the pressure of the severest misfortune that could wring the heart of man, yet so far remembered his public duties, amidst his private woes, as to commission him thus publicly to declare his most perfect approbation of, and acquiescence in, the Report made by their Committee, and of the measure now founded upon that Report. Delivering his own private sentiments upon the subject, his Lordship entered into a comparison of the present Societies and that held at the Thatched House, which his Lordship justified from any imputation of treason or disloyalty. The noble Lord (Lauderdale) had attempted to undervalue the danger to be apprehended from the present Societies, from the supposed insignificance, both of their numbers and their consequence. With respect to the former of those, supposing their numbers as low as you please, were as few as two hundred, yet there was not a school-boy but knew that the servile war, which shook the Roman Republic to its very foundation, was, at its commencement, carried on by no more than seventy slaves, who made their escape, and in self-defence turned upon their pursuers. With respect to the rank and consequence of those concerned in the present conspiracies, he had no hesitation in declaring it as his opinion, that the Societies who appeared to stand forward in the business, were but the tools and

instruments in the hands of others, more intelligent and more powerful, who artfully kept themselves behind the curtain, and, themselves concealed, played off their puppets upon the Public. In regard to the overt acts which he insisted had been committed, he referred the House to the Appendix of the Committee; it was evident from their plan, that they meant to correct the error of the rioters in the year 1780, who did not think of seizing upon the Bank till after their strength was exhausted in subordinate enterprizes; but the designs of the present conspirators were, first to seize upon the Bank, then the persons of the Magistrates and Judges, and then, after having opened the prisons to increase their forces, proceed to Parliament, armed with their pikes, to present their petitions for reform at the point of them, which they might conceive would have a more graceful appearance than done in any other manner. With respect to the argument of the noble Earl, of the danger to be apprehended from the publication of those plots, by inspiring the French with an idea of a party existing in this country in their favour; he could not but suppose M. Barrere addressing the National Convention upon the subject, and boasting to those august, or rather bare-a—d, Senators, how much they were to be elated at the knowledge of their having such friends in this country, particularly at the moment when those friends were debased, and dragged into public view, perhaps to public punishment.

Lord LAUDERDALE again explained. He had lived too long, short as was his political experience, to look for any thing like political consistency in almost any character living: with respect to his arguments, he must again repeat, that he had not attributed any bad motives to the Thatched-House Society, but merely stated, that the same imputations were thrown out then as now, particularly that of corresponding with the enemy, as with the Americans during hostilities with that country.

The LORD CHANCELLOR drew the distinction which he conceived clearly marked the difference between the Thatched-House Society and those of the present day. Had the latter, like the former, contented themselves with mere words, and not proceeded to actual overt acts of treason, it was not to be conceived that the Executive Government would not now, as then, have passed them by in silence; but when the contrary was known to every man, not only from the Report, but from the general and public notoriety of the fact, surely Government were not to be accused of tardiness, who had uniformly applied the remedy as the disease appeared, and who had only delayed the last decisive measures, until farther investigation might have involved them in the dangerous situ-

ation of having actual insurrection to resist. With respect to the Report itself, there were one or two points only to which he intended to allude. It had been asserted by the noble Earl, that the treasonable designs were artfully coupled with the meeting of the British Convention in Edinburgh, by stating that this was the first appearance of them; and he had argued against the falsity of this position, by reminding them of the meeting of the Convention of 1792. Now, in his mind, that former meeting did not at all apply; inasmuch, as there was not any thing like the slightest communication with any Societies in England, nor were any deputies either sent or expected from them to it. If, however, the fact were otherwise, he could only say, the Committee had no knowledge of it: and if they had any idea of his Lordship's superior information on the subject, they certainly would have considered it their duty to have looked for a communication of it from him. As to the other point of Mr. Hamilton Rowan and Mr. Simon Butler coming over from Ireland, as delegates from the Society of United Irishmen, for the purpose of attending the Convention, the Committee, equally ignorant of what might have been the motives or intentions of those gentlemen, had guardedly stated that they appeared in the Convention. In like manner, too, if they thought the noble Lord could have given them better information on this subject, they should certainly have desired him to amend their Report.

The Earl of LAUDERDALE spoke in explanation; he certainly would maintain that imperfect and vague accusations against persons under accusation, and sanctioned by that House, were much more prejudicial to them than a fair and complete statement of their supposed offences; because if the latter was given, every man could make up his mind impartially on the subject, whereas he could not do so from partial insinuations, such as the Report contained. With regard to insinuations of another sort, which the noble and learned Lord had thrown out against him personally about his sources of information and connections with those Societies, it was well known how totally groundless and false they were; the noble and learned Lord knew that to be the case, and as often as he chose to indulge himself by bringing them forward, he would treat them with the ridicule and contempt they deserved; his conduct and his character was sufficiently known to the House and the country, to satisfy him that he had nothing to dread from any insinuation or remark that could come from such a quarter.

The LORD CHANCELLOR, in explanation, declared, that he meant no insinuation whatever with respect to the noble Lord; nor could he conceive any reason why, upon the mention of the name

of Mr. Hamilton Rowan and Mr. Simon Butler, with the motives of whose journey to Scotland the noble Lord seemed to be acquainted, he should have conceived that any thing was meant like a personal allusion. He declared, that though the motives of these gentlemen's visit might be known to every body, they were unknown to him.

The question on the address was put and carried without a division; and ordered to be sent to the House of Commons for their concurrence.

Lord GRENVILLE gave notice, that on Tuesday next, he would move the thanks of the House to Lord Hood, for his service and gallant conduct in the Mediterranean.

Monday, 16th June.

No debate.

Tuesday, 17th June.

Lord ABINGDON rose and said, my Lords, having some matter of much importance to state to the House, and understanding that this is the last day of business before the session is to be at an end, I hope your Lordships will, for this reason, and because I wish to be perfectly accurate in my statement, indulge me with having recourse to my papers. It being my intention to bring forward, in the course of the next session of Parliament, some resolutions, I trust, for the adoption of this House. Whilst I now rise to give your Lordships notice of this, I do so for the reason, that by stating briefly what the object of those resolutions are, your Lordships' attention may, during the recess of Parliament, be drawn to the weight and importance of the subject. Enemy as I am, my Lords, and no one has been, or is more so, to those theories of reform, which quixotism, ambition, party spirit, or any spirit but true public spirit, have contrived to puzzle and mislead the people with, there is one species of practical reform, which, in professing myself to be the friend of, it is under the circumstance of knowing that there is, within these walls, as well as without them, but one mind and one sentiment upon the occasion. It is a reform, my Lords, which the Judges of the land, for the protection of that heavenly attribute of Justice which so ornamentally and conspicuously belongs to them, have all called out for, and are so much to their dignity and honour lending their assistance to obtain. It is a reform which Parliament itself has already began to look to. It is a reform which the liberty and property of the subject cry out for, demand, and must have. And having said this, I dare say your Lordships

already anticipate me in knowing that the reform I allude to, is that of thofe locufts in the law, the pettifogging Attornies of this country; who, like the locufts in Africa, (and, as it is faid of them) "fall like a cloud upon the earth, and eat up every thing they meet with." This is the reform in which I take pride to myfelf in the appellation of a Reformer, in which I affume credit to myfelf, as being not what is fo called, but what is truly fo, "The Friend of the People;" and in which, fuffering as I have done, under the inordinate fanction of thefe abforbing animals, I am, perhaps, as well qualified for the tafk of this reform as any one can be. My Lords, this is a grave and weighty fubject, it is a fubject that comes home to the feelings, becaufe it comes home to the very doors of every one of your Lordfhips; for which of your Lordfhips is it, that is a ftranger to its effects? The greater, the higher, the richer you are, the more prone are you to its confequences, and the furer of becoming fooner or later the victims of its all-devouring avarice. What many of your Lordfhips are, I was; what I am, without timely interference, your Lordfhips may, your Lordfhips will be. It is a fubject therefore, not only for your Lordfhips' own fakes, and for the fake of the Community at large, but becaufe it is a fubject under the preffure of which I now ftand in your Lordfhips prefence, that I, as a Member of this Houfe, am led to invoke the aid, and to excite the endeavours of your Lordfhips, in affifting me to ftop the progrefs of this growing evil; the evil of all others, perhaps the very only one in the State, moft affuredly the moft crying evil in the State, that calls for and requuires reform.

The order of the day being read,

Lord GRENVILLE rofe, and faid, according to the notice he had had the honour of giving to their Lordfhips, to move the thanks of the Houfe to Lord Hood, for the diftinguifhed fervices he had rendered to his country. His Lordfhip faid, it was a circumftance highly gratifying to his feelings, and muft afford equal pleafure to every Lord in the Houfe, that he fhould have been called to difcharge that pleafing duty of moving the thanks of the Houfe to the feveral Admirals upon the three great ftations, viz. the Channel, the Weft Indies, and the Mediterranean. His Lordfhip, in the courfe of his addrefs to the Houfe, obferved it would be unneceffary for him to enter into any general detail of the conduct of the noble Lord who was the object of his motion, becaufe down to a late period of it, the fenfe of the Houfe had been expreffed on that fubject in their addrefs to the Throne. There were three general heads under which the conduct of the noble Admiral might be prefented

to their Lordſhips' view, in all of which he was entitled to the higheſt praiſe. In the Weſt Indies, at Toulon, and in the Mediterranean. On each of theſe his Lordſhip ſlightly touched, and approving as he proceeded, ſaid, that for valour, for ſkill, judgment, and for attachment to the ſucceſs of His Majeſty's arms, Lord Hood was highly eminent. He had no doubt their Lordſhips were impreſſed with the ſame ſentiments, and on this account, he conceived it proper, in order to render their proceedings more complete, that the Houſe ſhould expreſs their approbation of the conduct of the Commander of the naval department in the Mediterranean, as they had previouſly done to the ſeveral Commanders on the other ſtations. He concluded, by reading the motion, in which he hoped to meet with the unanimous concurrence of their Lordſhips, which was, "That the thanks of the Houſe be given to Admiral Lord Hood, for his gallant conduct in the expedition to the iſland of Corſica." After which he ſhould move, "That the Houſe does highly approve of and acknowledge the behaviour of the officers, ſeamen and marines ſerving under Lord Hood; and that the Chancellor do communicate the thanks to Admiral Lord Hood."

The queſtion for thanks to Lord Hood being put,

The Earl of LAUDERDALE obſerved, that it was unpleaſant to him to ſay any thing in oppoſition to a propoſition for thanking any, officer in the ſervice of His Majeſty; but the high eſteem he had for the ſervice, and the value he thought every officer in it ought to have for the thanks of the Houſe, compelled him to oppoſe the preſent motion. He was indeed, ſenſible that the taſk he had aſſigned himſelf was peculiarly irkſome, ſince it might appear to convey ſome perſonal reflections. Notwithſtanding the dilemma, however, to which he was reduced, he ſhould perſiſt in his attempt to preſerve that propriety which concerned the Houſe; but, although he perſevered in that attempt, he begged leave to diſclaim every motive of a perſonal nature. He could not refrain from noticing the extreme caution and reſerve with which the motion was offered to their Lordſhips, as it demonſtrated the doubts which the Miniſters muſt have aſſuredly entertained of its propriety. They had taken eſpecial care not to enter into any detail, and ſolely contented themſelves with the deſire of returning thanks to all the officers in the naval department, before the ſeſſion cloſed. This meaſure he blamed as impolitic and prejudicial. That Houſe had no greater acknowledgment to make for ſignal ſervices than their thanks, and to beſtow them indiſcriminately upon every ſlight occaſion, was not only to render them of little value in themſelves, but to abate that incentive to ſpirited and noble actions which they have hitherto been deemed.

He had not heard, he faid, any thing advanced by the noble Secretary of State, that tended in the leaft degree to fupport his motion. Toulon had been glanced at, as a fubject on which the noble Admiral might be faid to have acted in a manner that did him honour. Now fo much to the contrary did that point appear to him, that throughout the whole of that tranfaction he could not perceive that any credit accrued to this country from the conduct of the noble Admiral. Here his Lordfhip entered into the circumftances of the taking of the town, and the manner of abandoning it to the fury of its enemies, all of which, he maintained, were unfavourable to the Britifh name; and therefore the noble Admiral fhould not be thanked on that account. But the laft man in that Houfe who ought to thank Lord Hood for his conduct at Toulon, was the noble Secretary of State, for the conduct of that noble Admiral had been a contradiction to the late language of the noble Secretary; in talking of the object of the prefent war, the noble Admiral had declared to the inhabitants of Toulon, that he intended to fecure to them the Conftitution of 1789; the language of the noble Secretary of State was, that the object of the war now was, that of reftoring the old Government of France; therefore the motion came very improperly from the noble Secretary of State. His Lordfhip maintained, that if any praife was due to the noble Admiral, he ought a long time ago to have received it; and the bringing this point forward looked as if Minifters thought the recent merit of the noble Admiral much too flight to deferve their Lordfhips' thanks, without the aid of other points. His Lordfhip contended that the conduct of the noble Admiral at Baftia did not deferve the thanks of that Houfe, nor did any part of his conduct merit that diftinction. The whole of the proceedings of Lord Hood in the Mediterranean appeared to him to be of a nature not at all calling for the thanks of the Houfe. The noble Secretary of State had very prudently avoided faying a word with refpect to the evacuation of Toulon, becaufe he knew that it was not exactly that kind of procedure which would call for fuch a mark of approbation. He conceived that the Britifh faith was broken to the inhabitants of Toulon, and that the capitulation at Baftia was not fo much in favour of this country, as it ought to have been. Lord Hood gave up all thofe he might have made prifoners, and fent them back to ftrengthen the armies of France. Befides this, it appeared to him, that there was not a ftrict cordiality between the land and fea officers, and that in confequence, General Dundas returned in difguft. His Lordfhip maintained that there was no ground whatever for this motion. He felt himfelf as he had before ftated, the more inclined to make thefe obfervations when he confi-

dered the nature of their Lordſhips' thanks, they were the higheſt praiſe any officer could have; and being ſo, they ſhould be chaſtely and rarely beſtowed, reſerved for the moſt important occaſions, and not thrown away upon trifles, for that would diminiſh their value. If Lord Hood was thanked for his conduct at Baſtia, the thanks of their Lordſhips would be leſs favourably felt by Lord Howe, and he wiſhed to know what man in the kingdom would be diſpoſed to conſider theſe two Admirals entitled to the ſame reward, the ſame diſtinction, the ſame honour from that Houſe, and the ſame gratitude from the Public; and yet this would be the effect of paſſing the preſent motion. He felt himſelf under all the points of view in which he ſaw this ſubject, bound in duty to the ſervice in general, and to Lord Howe in particular, to that Houſe and to the Public, to diſſent from the preſent motion.

Lord GRENVILLE expreſſed himſelf both ſurpriſed and concerned to find ſuch oppoſition to the motion which he had the honour to offer to their Lordſhips on the preſent occaſion. The ſervice of the noble Lord, at Toulon, had been mentioned; he retained the opinion he had before expreſſed on that occaſion, for he had heard nothing to alter it. It would be foreign to the buſineſs of the preſent motion for him to enter into the detail of that ſubject; he however contended that the treaty with the Toulonese had been fully, clearly, and honourably obſerved in all its points, as he hoped every treaty into which this country engaged, ever would be obſerved; he looked upon the ſucceſſes in Corſica of a ſufficient importance to call for the thanks of this Houſe, and the country at large. By the taking of St. Fiorenzo, we had ſecured a ſafe port for our navy in ſtorms and other damages; by the capture of Baſtia, we had taken from the enemy the only reſource they had for repairing their navy; it would diſable them from ever bringing ſuch a fleet into action as that lately conquered. In regard to the French priſoners ſent into France, it was a proceeding of prudence and policy; it would have required a large proportion of the army ſerving under Lord Hood to guard three thouſand priſoners; it was unſafe to keep them in any other part of Corſica or Italy; there was no alternative between ſending them into this country or into France, and conſidering the burden and expence we had to ſuſtain from the great number of priſoners already here, it was wiſe and prudent in Lord Hood to adopt the latter meaſure, and he had a right ſo to do; in regard to what the noble Lord ſaid, that the thanks of this Houſe was the only reward they could give to the Commander, no better anſwer could be given to the noble Lord's arguments; for in that caſe they could not refuſe them the only thing they had it in their power to beſtow, as

an acknowledgment for their ſervices. His Lordſhip warmly denied that the vote of thanks to Lord Hood could in the ſmalleſt degree leſſen or diminiſh the praiſes due to Lord Howe, and the officers who had ſo eminently ſignalized themſelves in this preſent campaign; their greateſt praiſe was the gratitude impreſſed upon the heart of every Britiſh ſubject, and which nothing could diminiſh or efface; and he conceived it injurious to the characters of thoſe great perſonages, to ſuppoſe that their minds could be actuated by envy, at the well-merited reward of a brother officer. With reſpect to that part of the obſervations of the noble Earl which related to the object of the preſent war, he muſt ſay a few words. The noble Earl conceived that it was the object of His Majeſty's Miniſters to reſtore the ancient Government of France, and this he ſeemed to think their ſole object. Now he had uniformly ſtated, notwithſtanding a good deal of induſtry had been employed to impreſs a contrary idea, that the object of the war was what he conſidered ought to be the object of every war; peace, honourable, ſecure, permanent peace. That could not be obtained by any other means than by reſtoring order and good Government to France; and whatever his opinion might be of the beſt form of Government, our object would be attained when we had reſtored in that country order, ſecurity for property, morality, and juſtice; and until this was done, there could be no ſecurity for this country. We might, indeed, without this, have the name of peace, but in reality we ſhould have a war the moſt expenſive and deſtructive in which this country ever was engaged. With regard to the idea of comparing the merits of different officers, he thought that improper: it was not by weighing in ſcales the merits of one officer againſt the other, that the Houſe were to determine the propriety of voting thanks to any officer; the queſtion was, whether that officer deſerved thanks or not, without being compared to any other perſon. It was the firſt time in his life, he ſaid, that he had ever heard of any Member in either Houſe of Parliament permitting the ſpirit of party to over-rule the principles of gratitude, and deny to thoſe who were defending our lives, our property and our Conſtitution, even the poor pittance of thanks. It was a political revolution in the ſentiments of a Britiſh mind to which he ſhould never give his aſſent.

The Earl of DERBY agreed with his noble friend, that to oppoſe a vote of thanks to any perſon for national ſervice, was a painful act, becauſe of its implied perſonal animoſity. To remove any prejudicial opinion that might be formed upon his oppoſition at this inſtant, he declared poſitively, he never nouriſhed any pique againſt the noble Admiral, with whom he was unacquainted; nor was he

influenced by any partiality; but he came forward to oppose the motion, because by his construction, it was designed not so much for a compliment to the noble Admiral himself, as to the plans of that Cabinet under whose auspices he acted. It was nothing more than a political intrigue, a delusive artifice, purposely fabricated with a sinister intent than that which was avowed. The noble Secretary had pronounced a panegyric upon the important services of Lord Hood, and the material advantages resulting to this country from the capitulation at Bastia; what these advantages were he could not discover. If the capitulation at Bastia was so extremely advantageous why was not an Extraordinary Gazette published? In general, the Ministers are excessively hasty to publish that interesting and authentic Paper whenever they have to announce any favourable circumstance; but in this instance the people were in possession of the intelligence two days before that entertaining vehicle of communication appeared. He was unacquainted with the art of cooking that viand to gratify the public taste, but he concluded the delay was occasioned merely by a wish to make it the more palatable. The evacuation of Toulon he could never regard without regret, remorse, and shame. Lord Hood's conduct in that affair, whether directed by any other authority, he knew not, so far from being meritorious was reprehensible in the extreme. It had tarnished the lustre of our other conquests, and diminished our reputation. Toulon was delivered to us by treaty, every article of which it behoved us to observe. How had we observed them? We had violated our faith both in the promise we had made of restoring the Constitution of 1789, and in the promise to guarantee the fleet. He remarked, that the noble Secretary of State gave notice of this motion in a thin House, after the motion for thanks to Lord Howe for his glorious victory, and after a debate of considerable length on the address to His Majesty, and when many noble Lords had withdrawn from the House, and the attendance this day proved that the subject was not very interesting. It was said, that the conduct of Lord Hood at Toulon merited praise, because he destroyed 15 ships of the line of the French there; if that conduct merited the thanks of the House, why was he not thanked on the arrival of the news; why thank him for his conduct at Toulon on the taking of Bastia? It seemed to him, that after the thanks which were so gloriously deserved by Lord Howe were given to him, Ministers wished to shew that all the officers employed had acted alike, and that they would not leave the smallest speck on the glory of the campaign; or else it appeared to be a dexterous manœuvre of Ministers to keep up their patronage to their favourites. He wished to avoid the indelicacy of negativing a pro-

pofition to thank a Britifh officer for his conduct, and therefore to get out of that dilemma, he moved the previous queftion.

The Duke of BEDFORD faid, that as his fentiments fo perfectly coincided with thofe of his noble friends, and as they had expreffed them with more precifion and more elegance than he could pretend to, it would be unneceffary for him to trouble the Houfe with any arguments; one or two flight obfervations, however he could not refufe. He did not approve of the mode of reafoning adopted by the noble Secretary of State upon this fubject. His Lordfhip had obferved that as the noble Admiral had in reality his conduct approved of at Toulon, on the addrefs of that Houfe in anfwer to the King's Speech, it would be unneceffary to dwell on that point. This was not a fair way of putting the point, for it was well known their Lordfhips had as little inclination as poffible to refufe a favourable anfwer to the King's Speech; the conduct of Lord Hood made part of the fubject matter of that fpeech, and it was on that account, and not from the fenfe their Lordfhips entertained of the merits of Lord Hood that this anfwer was returned; that was very different from a feparate vote of thanks. He had heard, his Grace faid, of the merit of Lord Hood at Toulon, and the advantage derived to this country by that event. Upon this event he would fpeak plainly; he thought it a very difhonourable tranfaction for this nation; he had often thought it a fit object for inquiry, and he trufted it would be inquired into; for it had tarnifhed the glory of the Britifh nation, and if any of the blame belonged to our allies in that bufinefs, that ought to be made public.

When the noble Secretary commended the zeal and activity with which Lord Hood had acted, he feemed to forget that St. Fiorenzo was taken early in the year, he believed in the month of February, and that three months had fince elapfed to the capitulation at Baftia. In the mean time, too, the Commander in Chief of the fame forces (Sir Robert Dundas) had returned to England, upon what account he knew not, though evidently not upon charge of mifconduct, fince he had been promoted to a command upon the Continent. From the general difpofition of the Corficans, much more might have been expected, and he did not doubt but if that cordiality had prevailed which has prevailed elfewhere, much more might have been done. When the noble Secretary had enlarged upon the importance of the conqueft, and the difficulty of attaining it, he was at a lofs what to determine; for, according to the Gazette, there were only feven men killed and thirteen wounded; and it was evident that but very little force was ufed. He entirely difapproved of the fending the garrifon to Toulon. His oppofition to

the present measure gave him concern, on account of the novelty of it in the proceedings of the House; for he did not know that a motion for thanks was ever opposed before; but that he could not help; he must do his duty, and he begged leave to say he had no partiality for persons; he would not give his thanks in that House to any man, until he was convinced that thanks were due. This, he confessed, appeared to him to be a sort of panegyric which Ministers intended on themselves, to shew the wisdom of their choice. There was no ground for thanking Lord Hood; there was nothing extraordinary in his conduct; and were he in the situation of Lord Hood, he should consider the motion for thanking him for his conduct rather as an insult than a panegyric, and that he should be left to perform something worthy of thanks before he received them. His Grace said he should vote for the previous question.

Lord HAWKESBURY thought no practice could be more improper than that of weighing exactly the value of every piece of service, or of comparing the services of one Officer with those of another. The House had but one way of making its approbation, and that was by voting its thanks; and the only point for their Lordships to consider was, whether the service performed was of magnitude enough to deserve them? If it was, it was no argument against giving them to say, that a more splendid, a more important victory had been obtained elsewhere. The noble Duke who spoke last had advanced an argument against voting the thanks, which appeared to him to have a directly opposite effect, viz. that the force employed against Bastia was small, and the loss inconsiderable. Now he always conceived, that for an officer to make an important conquest with few men and small loss, was a proof of great skill and knowledge, and could never be understood to depreciate the service. Did the merit consist in the quantity of human blood that was shed on the occasion? And was a Commander to lose his title to praise, because his victory had not been marked with a numerous massacre of his fellow-creatures. The idea was horrid, and he hoped it escaped from the noble Duke, not as the sentiment of his heart, but merely as the political argument of the moment. It was always understood, in the acquisition of a military or naval point, that the less lives were lost, the more meritorious the action.

The Earl of LAUDERDALE again desired to make some animadversions upon what had passed. He observed, that when Sir Charles Grey and Sir John Jervis had conquered Martinico, there was no motion for thanks, though Martinico was one of the most important conquests of the campaign; nor was any motion of that nature made until they had nearly reduced the whole of the West-

India islands. He maintained, that this motion was the effect of evident partiality for ministerial purposes. He insisted that the taking of Bastia was not a subject large or important enough to deserve the thanks of the House; that there might be many instances in which officers might deserve rewards, and yet not deserve the thanks of that House; they must in all inferior cases of merit look to the Executive Power for reward, and not to that House for the high honour of its thanks. The whole of this business appeared to be a ministerial shift; for there were many other officers who deserved as much at least as Lord Hood in the course of this war.— If Lord Hood deserved the honour which the Ministers proposed, why did they not bring forward the motion immediately on the receipt of the intelligence? They had been informed of his success prior to the victory of Earl Howe, and yet they suffered that to intervene, and now took advantage of the disposition of men's minds, which the glorious atchievements of the latter had occasioned, to share the praise with every nation. If the importance of the victory was to be considered, there were other important victories, received with much more general joy and transport, which had never been noticed with more than usual commendation. Was not the surrender of Valenciennes effected by the Duke of York, and was not that surrender of more importance than Bastia, yet the thanks of that House were never communicated to his Royal Highness, though he had displayed such signal valour. Was the conduct of the son of the Sovereign on that occasion less meritorious than the conduct of Lord Hood in the taking of this famous Bastia? As the whole island of Corsica is soon expected to become subject to our dominion, why did not the Administration wait till the whole island was reduced. To give additional aid, the subject of Toulon was quoted; yet the evacuation of Toulon, with the burning of the fleet, was only mentioned in His Majesty's speech, at the beginning of the session, and in the debate, which is always considered as an answer, without any farther honour. If that was deserving of the thanks of the House, the noble Secretary should have made a motion at that time, when the House was well attended, and the Members were prepared to discuss it. He might then have carried it with that overbearing majority by whom he is supported on all occasions. [A loud cry of "Hear! Hear!] Lord Lauderdale continued. He said he understood the meaning of that significant expression, and that it was intended to ridicule him; but he appealed to the noble Secretary whether those thin benches, and the paucity of his own supporters, did not throw more ridicule upon himself. Even they, his firm and pertinacious friends, were con-

vinced of the impropriety of the motion, and abfented themfelves in decency. He concluded by obferving, that if the motion of his noble friend for the previous queftion failed, he fhould propofe an amendment to the original motion, That the thanks of the Houfe be given to Lieutenant-Colonel Villette of the marines, for his joint exertions at Baftia.

The LORD CHANCELLOR faid, the noble Lord (Lauderdale) had fpoken very truly when he faid it was an invidious tafk to oppofe an addrefs of thanks to an Officer for his fervices. During the courfe of a long parliamentary life, he never knew an inftance of it; and the grounds upon which it was now attempted appeared to him extremely ill founded. It was afked, why the thanks were not given to the Duke of York for the taking of Valenciennes? For the moft obvious of all poffible reafons—the Duke of York commanded a part of the Britifh forces during the fiege, but there were other troops employed in the fiege, and his Royal Highnefs acted under the command of another Prince; and befides, the place itfelf, though of immenfe advantage in the war, was not taken for the Englifh, but for our allies; and therefore the cafe was quite diftinct from the prefent. The whole of the conduct of Lord Hood in the Mediterranean had been highly beneficial to this country, as well as highly honourable to himfelf, but more particularly his conqueft of Baftia; and if the fuppofed difunion between the Commanders exifted, it only added to the luftre of the noble Lord's atchievement. With refpect to any other Officer feeling the honour they have received by having the thanks of the Houfe diminifhed by their being extended to another, he was fure they would all feel happy that the Englifh navy had been uniformly fuccefsful; for their minds were above all little fenfations of envy.

The queftion being put, their Lordfhips divided:

For the previous queftion, 5; Againft it, 31.

The LORD CHANCELLOR then proceeded to read Lord Grenville's original motion of thanks, when he was interrupted by

Lord LAUDERDALE, who infifted that he had a right firft to propofe a motion of thanks to Colonel Villette, for his meritorious fervices at Corfica, Colonel Villette being equally entitled to them as Lord Hood. [A call to Order.] The noble Earl, however, perfifted, in what he called his right.

The LORD CHANCELLOR ftood up, and faid, he fpoke to order from the woolfack.

Lord LAUDERDALE attempted to proceed, amidft the cry of "The Chair! The Chair!"

Lord HAWKESBURY declared he fat thirty-five years in Par-

liament, and never knew an inſtance where, if a Speaker of either Houſe roſe to addreſs the Houſe from the place in which he ſat, any other perſon roſe in oppoſition; in that ſituation he was the organ and the voice of the Houſe; and without a ſtrict obſervance of this particular, the Houſe could never prevent riots and diſorder. He called upon their Lordſhips to ſupport the Chair, or all that was decent and orderly in the Senate would be annihilated.

The LORD CHANCELLOR then was heard on the point of order, and ſeconded by the Biſhop of Bangor, Lord Grenville, Lord Hawkeſbury, Lord Caernarvon, Lord Sydney, Lord Mansfield, and Lord Abingdon.

The Duke of Bedford and Lord Derby ſupported Lord Lauderdale, who moved the following amendment to the ſecond motion, that after the words "thanks of the Houſe be given," be inſerted, "to Lieutenant-Colonel Villette, and," &c.

Lord SYDNEY allowed he was a meritorious and deſerving young officer, but if his name was introduced, ſo muſt all of the ſame rank at Corſica. The officers were all included in the motion before the Houſe, and that was perfectly ſufficient.

The queſtion was put on the amendment, and negatived.

The Duke of BEDFORD here moved, "That the names of the other Britiſh Admirals who acted with Lord Hood at Corſica, ſhould be inſerted in the thanks."

This was alſo negatived, and the original thanks being put and carried, the Houſe adjourned.

PROTEST

Againſt the vote of thanks to Lord HOOD.

DISSENTIENT,

1. Becauſe it has not been the practice of this Houſe to vote thanks to officers commanding His Majeſty's forces by ſea or land, except on occaſions where they have eminently advanced the honour and promoted the intereſts of their country, by the moſt important and acknowledged ſervices.

2. Becauſe by voting the thanks of this Houſe, except in ſuch inſtances, we diminiſh the value of the moſt honourable reward we have it in our power to confer, and leſſen one of the beſt incitements to future ſervice.

3. Becauſe the reduction of Baſtia does not in itſelf appear to us to be ſuch a ſervice as calls upon this Houſe for any extraordinary mark of approbation or applauſe.

4. Becauſe, whatever the merit of that ſervice may be, the other Admirals of the fleet, and the Commanding Officers of His Majeſty's land forces, muſt have had their ſhare in it, and to refuſe thanking them, as had been uſual on ſimilar occaſions, appears to us to juſtify an opinion that

the vote of thanks to Lord Hood originated from some motive of a private and personal nature, which it is improper for this House to countenance.

5. Because even Ministers themselves do not seem, in the first instance, to have considered that service as entitled to such a mark of approbation; for though accounts had been received of the reduction of Bastia previous to those of the victory obtained by the fleet under the command of Earl Howe, no intention was announced of moving a vote of thanks to Lord Hood, till this House had paid the just tribute of gratitude and honour for that most important and splendid victory.

BEDFORD.
LAUDERDALE.
DERBY.
THANET.
ALBEMARLE.

Wednesday, 18th June.

Their Lordships met, principally for the purpose of going up with the address voted on Friday last to His Majesty; (for a copy of which, with His Majesty's most gracious answer see the proceedings of the Commons of the same date.)

Friday, 20th June.

The LORD CHANCELLOR reported to the House Lord Howe's answer to the thanks of that House:

"My Lord,

"Acknowledging my obligations in respect of the very flattering terms in which your Lordship has been pleased to make known to me the highly esteemed honour conferred upon me by the unanimous resolution of thanks of the House of Lords, signified in your letter of the 14th instant, I am to entreat that you will have the further goodness to assure their Lordships of the deep impression I shall ever retain of their condescending notice.

"The merit I would assume on this occasion, consists in my good fortune, inasmuch as I had the chief command, when so many resolute principal and subordinate officers, as well as brave men serving under their orders, were employed at that time in the fleet; and I must add, that if there is cause for triumph in the late defeat of the enemy at sea, it is truly the triumph of the British sailors, whose animated and persevering courage, I believe, has in no instance ever been exceeded. I shall therefore have great increase of happiness in obeying the commands of the House of Lords, by communicating to those several descriptions of persons the sense their Lordships have deigned to express of their good conduct.

"I have the honour to remain, with the greatest respect,

"My Lord,

"Your Lordship's most obedient humble servant,

"HOWE."

"*The Queen Charlotte, at Spithead, the 18th day of June, 1794.*"

Monday, 23d June.

Their Lordſhips met, and, without any debate, adjourned to Monday next.

Monday, 30th June.

The Duke of LEEDS brought up the Report of the Committee appointed to inſpect the buildings and avenues adjoining the Houſe, which being read, his Grace moved, That an humble addreſs be preſented to His Majeſty, to give the neceſſary orders for carrying a plan of repairs propoſed by the Committee into execution.

Ordered.

The Houſe then adjourned to Monday next.

Monday, 7th July.

Lord AMHERST moved, that the farther conſideration of the trial of Warren Haſtings ſhould be poſtponed to the ſecond Tueſday in the next ſeſſion of Parliament, which being put, was carried.

Lord Amherſt moved, that the Houſe ſhould adjourn to Friday next.

The Earl of LAUDERDALE obſerved, that the preſent ſituation of our affairs required that ſome propoſition ſhould be ſubmitted to their Lordſhips for conſideration, previous to the prorogation of Parliament, and therefore he ſubmitted to the Houſe, the propriety of meeting a day earlier than that of the intended prorogation, which of courſe was Thurſday next, as he had no reaſon to apprehend that Parliament would be allowed to ſit after Friday next. He then moved by way of amendment, that Thurſday next be inſerted in the motion inſtead of Friday.

The amendment being put and negatived, and the Lord Chancellor having put the queſtion on the original motion for Friday,

The Duke of NORFOLK entered the Houſe.—His Grace ſaid, he ſhould be happy to underſtand from any of His Majeſty's Miniſters, that it was not intended to adviſe the Crown to prorogue Parliament before an opportunity ſhould be had for coming to ſome reſolutions on our preſent continental affairs. Some time ago we had an agreeable view of our conteſt with the enemy, he meant the victory obtained over them by our fleet, but ſince that time the proſpect of the war had become a very gloomy one; he did not mean to ſay that that part of the allied powers, officers and men, that came under the denomination of Britiſh, would not do their duty, on the contrary, he was confident they would, but there were others whoſe duty it was to be as eager at leaſt as ourſelves, of whoſe ſincerity,

in the present conjuncture, he doubted. He believed it was not now to be regarded as a secret that the King of Pruſſia abandoned altogether not only the spirit, but alſo the very terms of the laſt treaty, between him and this country. Their Lordſhips would recollect, that a ſubſidy, to an immenſe amount, was agreed to be paid to that Monarch; part of which he had now actually received, and now he was to withdraw himſelf entirely from the conteſt. All this money muſt hereafter be raiſed by taxes, and taken out of the pockets of the people of this country; and for which, as it now appeared, no ſervice whatever was to be rendered. This being the ſituation of our affairs, he thought it the duty of that Houſe to addreſs His Majeſty, praying that he may be graciouſly pleaſed to allow them to continue ſitting for ſome farther time, in order that they may be enabled to deliberate on important affairs. The only thing he could now do, was that of giving notice, that on Friday next he ſhould bring forward a propoſition to the effect he had already alluded to, unleſs he ſhould in the interim receive any information from any of His Majeſty's Miniſters that ſhould render his intended motion unneceſſary; for indeed it appeared to him to be highly unworthy of the juſtice and the diſcretion of that Houſe to prefer the eaſe and pleaſure of its members, to the exerciſe of its duty on important public affairs; and that too at a time when many of the brave officers and ſailors, who fought for us ſo nobly, and ſo glorioufly conquered on the firſt of June, were languiſhing under their bleeding wounds, and ſome of them dying, for this to them, in their ſituation, was an inclement ſeaſon. It would be diſgraceful, his Grace thought, for that Houſe to neglect its duty at this criſis: he therefore begged it to be underſtood, that he ſhould have a motion to make on Friday, for an addreſs to His Majeſty, to continue the ſitting of Parliament, &c.

The Earl of LAUDERDALE moved, by way of amendment to the motion before the Houſe—"That this Houſe do at its riſing adjourn to Friday next." He did this, the noble Earl ſaid, to afford the noble Duke an opportunity, by continuing the ſitting of the Houſe, to open more fully, if his Grace pleaſed, the ſubject of his motion, and the particular circumſtances which made it neceſſary.

This amendment was put and negatived.

The Earl of LAUDERDALE then reprobated in ſevere terms this ſort of precipitancy in carrying on, or rather paſſing by, the proper buſineſs of the Houſe: he thought the preſent an alarming criſis to this country from the aſpect of its continental affairs. He thought the public would be but little ſatisfied with ſuch conduct as

the prefent, and he trufted, that if certain noble Lords had any particle left of that regard to order and decorum which always ought to diftinguifh that Houfe, and conftantly to attend its proceedings, they would agree to the amendment he was about to move for, otherwife, perhaps, the whole difcuffion intended to be brought forward by the noble Duke on Friday, might be entirely prevented. He therefore moved, that to the motion for the adjournment to Friday next, be added—" and that the Lords be fummoned."

The LORD CHANCELLOR obferved, that the complaint of the noble Earl, as to the precipitancy of Minifters upon this occafion, was premature, for that in propofing his amendment, he had not fpecified any thing that was intended to be moved. The noble Duke indeed had ftated a propofition, which was clear and intelligible, and he dared fay their Lordfhips would attend to hear it on the day named.

The Duke of NORFOLK expreffed himfelf fatisfied with the general underftanding that their Lordfhips would attend on Friday.

The Earl of Lauderdale's amendment was then negatived, and their Lordfhips adjourned to Friday next.

Friday, 11th July.

A few minutes before three o'clock, there being feveral Peers in their robes in the Houfe,

The Earl of LAUDERDALE faid, it was exceedingly unpleafant to him to call their attention to a fubject that might not be agreeable to fome of their Lordfhips, but the impropriety did not commence with him. Their Lordfhips would recollect, that a few days ago a noble friend of his (the Duke of Norfolk) gave notice that he fhould, on this day, bring forward a motion on a very important fubject. The noble Duke was now in his place, ready to make that motion, and confidering the very particular fituation of the affairs of this country—confidering that perfons of very different and oppofite characters had lately united to affift the Executive Government, by the wifdom of their counfels, and by all their efforts; it became, on that account, as well as for various other important reafons, highly neceffary that their Lordfhips fhould hear the propofition which the noble Duke had to fubmit to them; but the noble and learned Lord, whofe duty it was to be now on the woolfack, was not in the Houfe. That noble and learned Lord had, when the notice was given, conveyed to the noble Duke, an affurance that he fhould be attended to this day. His abfence was a proof of what the noble and learned Lord *intended* on that occafion. He would not have given the noble Duke that affurance then, and

absented himself now, if he had not intended it as a trick to deceive; and to make it impossible for him to bring forward his proposition before Parliament was prorogued. This was a trick which would have been disgraceful to a much lower character than the Lord Chancellor of England. But as it was their Lordships' duty, in his opinion, to proceed to business, notwithstanding this attempt to prevent it, he should do the only thing he could, to put their Lordships in a situation to do so, "and therefore," said the noble Earl, "I now move, That your Lordships do proceed to elect a Speaker."

The Lord Chancellor came in soon after, and prayers being over, the Duke of Norfolk said, that as there could not now be time for debating the motion of which he had given notice, he should decline giving their Lordships any trouble upon the subject.

The Earl of LAUDERDALE rose, and was again proceeding to comment upon the conduct of the Lord Chancellor, when he was interrupted by the King's arrival being announced.

His Majesty came in state to the House; and being seated on the Throne, and the Commons attending at the bar, delivered a most gracious speech: [For which see the proceedings of the Commons.] Parliament was then prorogued in the usual form to Tuesday the 19th day of August next.

THE

FIRST REPORT

From the COMMITTEE of SECRECY* appointed by the HOUSE of LORDS† to inspect the Report and original Papers, and the Book sealed up in a Bag, delivered on Monday the 19th of May last, by a Message from the House of Commons; and who, by the Order of the House of Wednesday the 21st of the same Month, were empowered to send for Persons, Papers, and Records, and to receive such Communication as may be made to them by His Majesty's Orders, or by the Committee of Secrecy appointed by the House of Commons, and to report thereupon, from time to time, as they shall see cause.—Ordered to be printed 7th June, 1794.

ORDERED TO REPORT,

THAT the Committee have met, and, having carefully compared the said Report with the original papers referred to them, have come to an unanimous resolution immediately to report to your Lordships, That they are satisfied and convinced by circumstances contained in these papers, that a traitorous conspiracy hath been formed, and acts done in pursuance thereof, by certain Societies and persons in different parts of the kingdom, for the subversion of the established laws and constitution, and the introduction of that system of anarchy and confusion which has fatally prevailed in France.

The same evidence contains strong indications that measures have been recently taken, and are still continuing, for providing arms of the most pernicious sort to be distributed amongst the favourers of this conspiracy, for effectuating, by open force, the purposes for which they have conspired. The Committee have therefore thought it their duty to continue the farther examination of the matters referred to them, and to submit to the consideration of the House, Whether it may not be proper that they should be empowered to send for persons and papers, and to receive such

* *The following is a List of the Lords of the Committee:*

The Lord Chancellor.	*Earl of Carlisle.*
Lord Privy Seal.	*Earl of Caernarvon.*
Duke of Leeds.	*Earl of Chatham.*
Duke of Portland.	*Earl of Mansfield.*
Earl of Hardwicke.	

† *For the Report of the Committee of the House of Commons, with Appendixes at large, vide the octavo edition, printed uniformly to bind up with the Parliamentary Register, and to be had of* J. Debrett, Piccadilly.

communications as may be made to them by His Majesty's orders, or by the Committee of Secrecy appointed by the House of Commons; whose vigilance and activity, in providing for the public safety, cannot fail to excite a proportionable zeal and emulation in your Lordships for detecting this scene of iniquity, and thereby averting the calamities in which the farther progress of such a conspiracy might have involved the nation.

SECOND REPORT

By the Lords Committee appointed a Committee to inspect the Report and original Papers, and the book sealed up in a bag, delivered on Monday the 19th of May last, by a message from the Commons.

ORDERED TO REPORT,

THAT your Committee has proceeded in the farther examination of the books and papers referred to them; and, in pursuance of the powers given to them by the House, have also taken under their consideration the depositions and examinations of several persons, papers found in the custody of those who have been apprehended, and intelligence communicated to them by one of His Majesty's Secretaries of State.

After a diligent investigation of all those sources of information, the conclusions they had formerly stated to the House, and the facts and propositions contained in the Report of the Secret Committee of the House of Commons referred to them, appear to be incontrovertibly established. The extent and danger of the extravagant and fatal designs entertained by a number of disaffected persons, and the rapid progress lately made in the measures taken to carry such designs into execution, are illustrated and made manifest in as satisfactory a manner as circumstantial evidence can admit.

The first object to which the attention of your Committee hath been directed, was the preparation of arms, referred to in their first Report, of which they were then only authorised to say, that strong indications had appeared. The evidence which they have since examined, as well as subsequent discoveries providentially made, have brought that important part of the case more fully to light.

But in order to place that object in its just point of view, and to illustrate its connection with other parts of the general conspiracy for the destruction of the Constitution, it has appeared to your Committee that it would be fit to state, in the first place, the circumstances which preceded that preparation of arms, and those under which it took place.

From authentic and public documents it appears, that, subsequent to the imprisonment of the late French King, the abolition of Monarchy, and the establishment of a democratical and revolutionary Government in France, a direct and avowed correspondence was carried on between

the Convention in France and certain persons in His Majesty's dominions, for the undisguised purpose of an union of principles and conduct.

The addresses sent to the French Convention in the month of November, 1792, and the answers returned to them, are matters of public notoriety. The Committee, referring to the statement given of them by the Report of the Secret Committee of the House of Commons, have farther to observe upon these addresses, that it now appears that the idea was first conceived after the massacres at Paris, in the beginning of September, 1792, was drawn into form after the invasion of the Netherlands, and that it was not the sudden act of a few individuals, or even of one particular Society, but was long under deliberation, communicated to other Societies in different parts of the kingdom, assembled under various names, and the common pretext of parliamentary reform, adopted by many, and finally transmitted as a declaration of the sentiments of a majority of the English nation.

The Committee has bestowed a particular attention to investigate the proceedings of that Society which assumed the name of the London Corresponding Society; because, from the character, habits, and condition of those who compose it, compared with the style and language, as well as the method and contrivance discovered in their proceedings, it is most probable that it must have been guided by persons of a superior education, and more cultivated talents, than appear amongst the members of this Society. For the direct and avowed connection which took place in the beginning of April last between this Society and the Society for Constitutional Information, and the plan of co-operation then established between them, the Committee again refer to the Report of the Secret Committee of the House of Commons now before the House.

The London Corresponding Society, in the first formation, which was about January 1792, appears to have been planned and directed by leading Members of the Society for Constitutional Information, and in the course of its subsequent proceedings, the measures they pursued were in many instances privately concerted with persons of the same description.—The number of persons first assembled did not exceed two hundred. In the course of a few months, their communications with similar Societies in various places became very frequent, and they began to assume a form and method of proceeding by subdivisions and delegations, which gave to them an appearance of consequence, and of increasing numbers. They were the ostensible promoters of the address to the French Convention, presented in November 1792, and the instruments to carry on the correspondence upon it in the country; from whence they have taken every occasion to extend their communication with these other Societies which they have industriously drawn to a close, intimate, and dependent connection.

The war, commenced against His Majesty by the persons exercising the powers of Government in France, suppressed the open communication with the French Convention; but neither that circumstance, nor the repeated declaration of Parliament, had any effect to restrain the avowal of those doctrines which had led that Convention to all those excesses which have proved so destructive in France to the principles of social order, of religion, and of morality.

In the course of the year 1793, a plan appears to have been conceived, and in some degree brought into a regular shape, for uniting the different meetings, formed by the artful dissemination of seditious publications, inviting men to follow the example of France, into such a body as might

be brought to act to one given object, and be subject to one general direction.

The most marked effect of this plan was, the assembling of a body, under the name of a Convention, which made its first public appearance at Edinburgh on the 29th of October, 1793.

The design of this meeting had been known and concerted for some time with Societies in England, particularly with the Society for Constitutional Information, and the London Corresponding Society. Two delegates to this meeting were chosen, and sent from the London Corresponding Society; a regular allowance for their journey and expences, at a rate very considerable in respect to the apparent funds of that Society, was voted for their support, and actually paid; these delegates were Margarot and Gerrald. They appeared, by the sequel, to have been, in effect, not only delegates, but conductors of the affairs of the intended meeting; and deriving a considerable consequence from the supposed representation of the Society which sent them, and of other Societies in England, from which they afterwards produced commissions. Two delegates were also chosen from the Society for Constitutional Information—Sinclair, and a person known under the name of Yorke.

After sitting four days in expectation of the English delegates, the meeting, which had consisting of about 150 persons from different parts of Scotland, separated, because the English delegates had not arrived. In two days afterwards they came; a delegate from Sheffield also arrived; and Sinclair, one of the delegates from the Society for Constitutional Information: Mr. Hamilton Rowan and Mr. Simon Butler stating themselves to come on the part of a Society, called the United Irishmen, but having no commission, made their appearance likewise, and were all introduced to a General Committee of the Convention, and received as delegates.

A meeting of the Convention, which had separated before the appearance of these persons, was immediately summoned by Skirving the Secretary, and by public advertisement, for the 19th of November, on which day it was held, and consisted of about 160 persons.

The first four days of their meeting were employed in settling forms, and in an examination of the commissions of the delegates supposed to be given by meetings of the inhabitants of the places from which they were dated, but which meetings were in very few places known to have existed, or to have been called for any such purpose. All these commissions were of course allowed to be valid. On the 22d day of November, this meeting voted itself to be, "The British Convention, and assumed that style in their minutes and other proceedings, which were dated "in the first year of the British Convention," and in some instances, "in the first year of the British Convention *One and Indivisible*."

The meeting thus formed, proceeded to act in exact imitation of the French Convention, adopting all its forms, phrases, and modes of proceeding, forming Committees of Organization, of Instruction, of Finance, of Secrecy, decreeing honours of the sitting, honourable mention of services, and what may merit more serious attention than the affectation of this style, attempting to institute Primary Societies, Provincial Assemblies, and Departments in the Country. On the 28th of November, they came to a resolution of declared opposition and resistance to the authority of Parliament, under a reserve that it should not be entered on the minutes till the close of their sittings.

After this, the spirit and activity of the Magistrates were exerted to

disperse this Convention; and on the 5th of December, 1793, the ringleaders were apprehended, their papers seized, and some of them have since been tried and convicted of the crimes laid to their charge.

Notwithstanding the just and laudable exertions of the Civil Authority to suppress this enormous disorder, the mischief intended has been in part effectuated, for there has existed a meeting formed on the model of the French Convention, assuming the name of the British Convention, which, from the 19th of November to the 5th of December, 1793, has been exhibited in this kingdom, with an open publication of all its transactions, in a newspaper, conducted by one of its members, to serve as a pattern of the form and method in which a future Convention might proceed to act.

It also appears from the sequel that there still remained a Committee of Secrecy and Emergency found in that meeting, which had continued to conduct subsequent operations in Scotland.

The Committee have thought it important to call the attention of the House to this transaction, because it appears, by the evidence produced to them, to have been concerted at least, if not directed, by the disaffected Societies in England, and to have a most intimate connection with the sequel of the conspiracy carried on here.

From the time of the meeting and dispersion of the Convention at Edinburgh, the Societies in England began to act with increased vigour and activity. Their resolutions expressed a warm approbation of the proceedings of the Convention at Edinburgh; strong declarations were made in behalf of those who had been brought to trial and convicted; subscriptions entered into for their encouragement and support; and some projects appear to have been entertained for their rescue.

The London Corresponding Society had continued to extend its correspondence, and also its influence with the other Societies dispersed in the country, and had, in the month of February last, adopted a resolution to arrange the members into divisions of thirty, composed of those who lived nearest to each other, that they might easily be assembled together upon any emergency. They had also procured about that time a plan of a constitution to be formed, which was printed and circulated amongst the several divisions, by some of which it had been approved, and at the time when the Secretary was apprehended, was about to be referred to the General Meeting of Delegates for its final sanction. By this plan, besides the section of thirty, classed so as to be ready to come forth at the same time, there were to be secondary sections of ten each, under the representation and direction of a Tythingman. There was also a general Committee of Correspondence.

This Committee, in fact, appears to have existed for a considerable time, to have consisted of a number not exceeding five, to have transacted and directed all the secret business of the Society, and they were authorized to communicate to the larger meetings only such matters as they thought adviseable.

It seems almost unnecessary for the Committee to point out to the observation of the House, that a Society (whatever be the condition of the individuals who compose it) so organized, the phrase they adopt in their printed plan, and so connected with other Societies in various parts of the island, is capable of giving the immediate effect of an united operation to whatever measures may be proposed by their leaders, especially when the recent example of France affords so striking an instance of the destructive effect of such a combination. The Committee must at the same time remark, that this constitution (as it is called) in the declaration of prin-

ciples by which it is introduced, the tests required of the Members, and the general frame of the provisions, evidently shew that the model on which it is formed, is that which has led to the annihilation of all regular Government in France, and to the despotism of a few Demagogues through the power and influence of the clubs.

Under this state of things, and when all this arrangement had been previously formed, the project of procuring arms was brought forward. The precise date when it took place cannot be ascertained, for it appears to have been conducted in most places with peculiar secrecy and caution.

So early as the time of the meeting at Edinburgh, the facility of procuring arms, particularly pikes, the use and efficacy of them as it had been proved in France, had been discussed at some of the division meetings, but no specific measure to this effect had been taken till a much later period.

About the month of March 1794, private meetings had been held twice a week, in various places of and adjoining to the metropolis, for the purpose of instructing men in the use of the firelock; the places of such meeting were changed to avoid detection; and were chosen by a Committee. They exercised chiefly by night; and no persons were admitted but by a printed ticket, with the inscription, "Liberty to those who dare to be free." The number of firelocks actually provided, as far as it has been discovered, may seem inconsiderable for the execution of any design, although, for the purpose of teaching the exercise, it had a most dangerous extent; but in respect of the circumstances of the person who purchased, or subscribed for the purchase, the number is an object of some consideration; and it appears that the Artillery House, and Gunsmith shops in various parts of the metropolis, were looked to as furnishing a ready resource upon occasion, and as the means of providing an abundant supply of arms to persons already instructed in the use of them.

The Committee has stated the number, so far as already discovered, to be inconsiderable; but they must add, that after they supposed their inquiry to be closed, a recent discovery communicated to them has added largely to the number.

The use of pikes formed a still more considerable part of the intended armament. The effect of this weapon had often been discussed at meetings, and a correspondence had been entered into with persons at Sheffield for providing a supply of them. The price for the Iron work was fixed so low as a shilling; and if the cost exceeded that amount, (which it appears it must have done) the overplus was to be paid by a person at Sheffield, who was to be reimbursed by the Society. In pursuance of this plan, letters, dated the 24th of April, were sent from Sheffield to the Corresponding Society, and, under their cover, to another Society at Norwich, advertising them that the pikes were in a forward state of preparation, and fixing the terms on which they were to be delivered.

The Committee think it proper to subjoin a hand bill, printed in April for the London Corresponding Society, and distributed at a meeting:

"Countrymen, you are told by those who are in office that you "are in danger of a French invasion; you are told by those who are "out of office that you are in danger of a Hessian or Hanoverian inva- "sion: in either case arms will be of use to you. Agree among "yourselves. Get arms, and learn the use of them."

At Sheffield, the measure of arming with pikes, after the example of the French, was more openly pursued: it had been recommended in April last, in public harangues, by a person whose name often occurs in the course of

this conſpiracy, but who has not yet been apprehended, to great numbers of people, as well as by hand bills diſtributed, exciting them to arm. The pikes were made under the orders of that perſon, who particularly directed the form and ſize of them. Several perſons were employed in the manufacture, which was making a conſiderable progreſs, before the alarm given by the apprehenſion of the Secretaries of the two Societies in London. Beſides the pikes, another ſort of inſtrument was produced at Sheffield, the uſe of which was (as explained) to be thrown about in the night on the road, for laming the men and the horſes who might be employed to quell any commotions.

In the progreſs of the examination into this conſpiracy, an accidental diſcovery was made in Scotland, which has more fully explained the extent of the danger, and the ample range of the whole deſign.

From the nature of the proceedings carried on in Scotland, in conſequence of that diſcovery, it was impoſſible for the Committee to examine particularly into the evidence of it; they have therefore tranſmitted to the Houſe the information communicated to them on this head, in the form in which they have received it, and added it in an Appendix to the Report. All the obſervations they are authoriſed to make upon it is, that the evidence which they have examined, clearly proves, 1ſt. A decided purpoſe of forming another Britiſh Convention in ſuch central place as ſhould be afterwards communicated. 2d. Meaſures concerted, and in part actually taken, for aſſembling that Convention. 3d. A preparation of arms to oppoſe and withſtand any attempt to diſperſe ſuch a meeting. 4th. A continued connection and correſpondence between thoſe Societies in England, by whoſe co-operation theſe meaſures were to be executed, and the leading Members of the former Britiſh Convention, which actually held its meeting at Edinburgh in November 1793.

Upon the ſubject of the preparation of arms, the Committee have been forced to enter into more detail than was conſiſtent with the general plan of their Report in reſpect to the other parts of the caſe, which was to ſtate the general reſult, and not the particular circumſtances.

On the moſt deliberate conſideration of all the evidence before them, it appears to the Committee, that there are the moſt convincing proofs, not only of a plan formed in theory, to procure, by legal means, ſome partial change of the laws by which this kingdom has been happily governed, but of a formed conſpiracy to aſſemble, under the name of a Convention, a number of perſons aſſuming to be the repreſentatives of the nation for the expreſs purpoſe of making their reſolutions to be law, and of ſubverting, by their authority, the whole frame of the Government, and the Conſtitution of this realm, its Monarchy, its Parliament, and its fundamental laws.

That to effectuate the purpoſe of this conſpiracy, meaſures had been actually taken for an arrangement and diſtribution of the perſons ſeduced to engage in it, a concert and communication eſtabliſhed between different bodies of men in different parts of the country, to aſſemble at ſome certain time or place, by ſome ſecret concert and direction, conſultations held of the acts to be done for the furtherance of this conſpiracy of the moſt traitorous import, and arms prepared and preparing for ſupporting, by force, the ſudden execution of theſe daring and deſperate deſigns, the ſucceſs of which, if they could have ſucceeded, muſt have produced the total ſubverſion of the Conſtitution, with the deſtruction of His Majeſty's perſon, family and Government, and the annihilation of our laws and liberties, and the mere attempt of which, though we may

justly conclude, that by the loyalty of the kingdom it must have been defeated, would have involved this country in all the horrors of insurrection, from the calamities of which we have now, by the Divine Providence, been happily exempted.

The Committee must farther observe, that there is also as strong a degree of evidence as the nature of the case will admit, that the aim of the leaders in this conspiracy extended to as complete a revolution in this country, as that which has taken place in France since the month of August 1792.

Their adoption of the principles and opinions of the French Convention; their incessant exertions to propagate the same doctrines here; their attachment to the interests of the French revolutionary Government; their persuasion that there was an intimate connection between the cause they meant to serve and the success of the French, and even their hope of deriving assistance from the French arms, appear not by loose talk, but by the deliberate and advised discourses held at their meetings, by the written correspondence of some of the most active Members, and by the communications between the different Societies; emissaries also have been sent by them among His Majesty's troops, and papers circulated in the vain hope of seducing them from their loyalty; and projects of the most desperate and flagitious nature, respecting the Members of both Houses of Parliament, and even the safety of His Majesty's most sacred person and of His Royal Family, have not merely been uttered, but entertained and discussed amongst them.

The ostensible object of the several meetings whose Members were to be the followers in this conspiracy, namely, Parliamentary Reform, is a pretext that could impose on none but the most credulous, ignorant, and unwary: The only reform they ever professed was the establishment of universal suffrage, and annual representation; these they had assumed and declared to be theirs by inherent and unalienable right; a right not to be relinquished but with their lives, and which none but thieves and traitors could wish to withhold from them.

The assembling a Convention was evidently not for consulting upon the fitness of the measure, but to be itself the means of obtaining it; and they had previously disclaimed, in the most express terms, the only legal means of obtaining any change of the existing laws by an application to the Legislature, declaring that they must depend only on their own strength and courage, for obtaining of what they termed their rights.

The necessary result is, that the application of strength and courage must have been the object for which such an assembly was to be called, it not being the purpose of those who formed it to obtain laws from any other authority but their own; having, not only in the private meetings, but public declarations, openly professed that they were to seek redress from their own laws, and not from the laws of those they termed their plunderers, enemies, and oppressors.

The accomplishment of such a purpose necessarily implies the overthrow of all subordination in the State, the abolition of the established form of Parliament, together with the destruction of hereditary monarchy, and the subversion of every safeguard which the wisdom of ages has established in this happy country for the peace and welfare of society, for the encouragement of industry, morality, and religion, for the protection of innocence, and the punishment of vice, and for the secure enjoyment of property, of liberty, and of life itself. Under the circumstances of these designs, deliberately entertained, openly avowed, and on the very point

of being attempted to be executed, your Committee feel that they have executed their duty in laying before your Lordſhips the important reſult of their inquiries; and that it becomes them to leave it to the wiſdom of your Lordſhips to conſider what ſteps it may be proper for this Houſe to take, in order to manifeſt its abhorrence of this wicked conſpiracy; its deſire that every proper meaſure may be exerted in order to give energy and vigour to the execution of the laws by which the ſubjects of this realm are protected againſt theſe criminal purpoſes; and its readineſs to afford to His Majeſty every degree of aſſiſtance and ſupport which is due from us as loyal and affectionate ſubjects, and as men deeply impreſſed with a ſenſe of the value of the bleſſings which we enjoy.

APPENDIX.

No. I.

Letter from the Right Honourable Mr. Secretary Dundas, to the Lord Privy Seal, dated Whitehall, May 19th, 1794, inclosing four Draughts of Pikes, or Spear Heads.

MY LORD, *Whitehall, May* 19, 1794.

I HAVE received this morning from the Sheriff Depute of the county of Edinburgh, authentic information of an accidental discovery, made on the 15th and 16th ult.; the general report of which I feel it proper to state to you, as it seems materially connected with the Inquiry in which the Secret Committee of the House of Lords is now engaged.

The creditors of a bankrupt having received information that part of his goods had been embezzled, and were secreted in the house of an individual, the usual warrant was issued, authorising a search to be made in the suspected place; and, in carrying it into execution on the afternoon of the 15th, the officers discovered in a private place, where they appeared to have been concealed, twelve pike or spear heads of the construction and dimensions in the inclosed draught. The proprietor of the house, who happened to be from home at the time, was soon thereafter taken into custody; and, on being carried before the proper Magistrate for examination, refused to give any account of these weapons, to whom they belonged, or for what purposes they were intended. On a more narrow search, there was likewise discovered in a private and concealed part of the house, two other pike or spear heads, similar to the others; two battle axes, of the form and dimensions delineated in the inclosed paper; and a shaft or pole with a screw on the end, fitted for receiving either the spear head, or battle axe.

Immediate inquiry being made after the persons with whom this individual had lately been seen in company, and two blacksmiths being mentioned among them, their houses and shops were immediately searched; one of the two was also taken into custody, the other escaped and absconded. In the shop of the first of these men were found four pike or spear heads finished, fitted with screws and sockets, and ready to be fixed on shafts; eight battle axes, also fitted and finished; and twenty blades more not quite finished, but nearly so.

In the shop and dwelling-house of the other who had absconded, no such weapons were found; but the apprentices, on being examined before a Magistrate, acknowledged that the pike or spear heads first discovered had been privately manufactured in their master's shop during the course of this fortnight past, and carried privately to his house as soon as completed.

The battle axes and blades appear also to have been manufactured within this fortnight past, and were intended, as the maker of them said, for the purpose of arming the people should an invasion take place; but it appears, that to his apprentices, whom he had employed in assisting him to make them, he pretended they were meant for a gate: an account obviously false, as he could not point out any gate for which these weapons

were intended; nor name any person who had ordered him to frame a gate of so particular a construction.

These circumstances have induced the Magistrates to commit all the persons concerned for examination; and the result of the inquiries which are at present carrying forward, I expect will be regularly communicated to me. It is proper also to inform your Lordship, that all the persons chiefly concerned appear to have been Members of the British Convention which met at Edinburgh last winter, and since the dispersion of it, have continued the most active and leading persons in the societies whose delegates composed the principal part of that meeting; who appear at present taking measures for calling another Convention of the same nature, which they expected is to take place soon in England; and some of whom have acknowledged, that the propriety of the individuals composing these societies arming themselves with spears and pikes, has, within these few weeks past, been the subject of conversation amongst them, and steps taken for carrying that purpose into execution with caution and secrecy.

The silence of one of the persons, the inconsistent and contradictory account of the other, and the flight of the third, throw a very strong suspicion on the purposes and intentions of the parties concerned in this transaction. The Sheriff is, in the course of his duty, proceeding to investigate the matter more accurately: But I consider it necessary and proper to communicate, through your Lordship, to the Committee, information so intimately connected with the object of inquiries, however imperfect that information still is; but which I have no doubt will soon be completed.

I am, my Lord,
Your Lordship's most obedient humble servant,
HENRY DUNDAS.

The most noble Marquis of Stafford.

DRAUGHT, No. 1,

Referred to in Mr. Secretary Dundas's Letter, dated Whitehall, 20th May, 1794, contains the dimensions of the head of a pike or spear; fourteen finished ones found in the house of Robert Watt, merchant; two finished ones were also found in the house of Robert Orrock, smith, who acknowledged he made them; eighteen unfinished ones were also found in the house or shop of Orrock.

DRAUGHT, No. 2,

Contains the exact dimensions of one weapon found in the possession of Robert Watt.

DRAUGHT, No. 3,

Contains the exact dimensions of another weapon found in the possession of Robert Watt; also of an iron verral for putting on the end of a staff or pole.

DRAUGHT, No. 4,

Contains the exact dimensions of a weapon found in the workshop of Robert Orrock, smith, at Dean, near Edinburgh; nine others of the same kind were also found in the same place.

No. VI.

Letter from the Right Honourable Mr. Secretary Dundas, to the Lord Privy Seal, dated Whitehall, May 23d, 1794, inclosing copy of a printed paper, dated Dundee, 12th April, 1794.

MY LORD, *Whitehall, 23d May, 1794.*

I HAVE received this morning farther accounts from the Sheriff Depute of Edinburgh of the transaction stated in my last letter, and the result of the inquiries since made by that Magistrate, and which are still going forward, appear to me of such a nature as to deserve the particular attention of the Secret Committee.

One of the individuals mentioned in my former letter has since made a disclosure; and a person since taken into custody, and who appears to have been privy to the whole transaction, has confessed that these weapons were the first of a very large number and quantity actually ordered to be made, and intended to be privately dispersed among the Members of the various Societies throughout Scotland, styling themselves Friends of the People, and who appear to be at present employed in taking measures for calling together another British Convention of Delegates to be held in England. An order has been given from one town alone in Scotland for a large quantity of weapons of the nature described; no less a number than four thousand has been mentioned, and more are intended to be distributed in Edinburgh. Emissaries appear also to have been dispatched within this fortnight or three weeks past to the manufacturing towns in the west of Scotland, for the purpose of sounding the inclinations of such of the inhabitants there who are known to be Members of these Societies, and there is reason to believe, from information received from various different quarters, that these persons have by no means been unsuccessful.

Paisley is in particular alluded to as being in a state of great readiness; and there has been positive information received through other channels, that within these three weeks, persons of that description have assembled themselves to a very considerable number in the night-time for the purpose of practising the use of arms. The particulars of this information, and the extent to which these meetings have proceeded, are at present matter of inquiry with the proper Magistrates of the place, but the result has not yet been received.

The formation of this plan is now traced home to certain persons, some of whom are in custody, who appear to be entrusted by these Societies in Scotland with the most unlimited powers in directing their future proceedings, carrying on their correspondence, and who act as a Committee of Secrecy, consisting of a certain number of persons, the principal and most active Members of the British Convention. The choosing of Delegates to the expected Convention in England, the place of whose meeting is not yet divulged, and the raising of contributions among the various Societies throughout Scotland for defraying the charges of such Delegates, appear to be the material part of their present employment, and in which it would seem they have made some progress; and it is the same Committee who have for these some weeks past been consulting and taking measures for arming themselves and the members of the various clubs with pikes and battle-axes, and who have employed the persons abovementioned in manufacturing them. The scheme appears to have been first proposed and agreed upon about a month ago; to have been since carried on with the utmost secrecy and caution; and the weapons, so far

as has yet been discovered, manufactured by such persons, in such small quantities, in such circumstances, and under such pretences, as not to render the progress of the work probably liable to suspicion or detection; and it was brought to light by the very accidental and singular incident which I mentioned in my former letter.

I have the satisfaction of observing, that the magistrates and officers of the law in Scotland have been and still continue active in the searches and inquiries making at the different suspected places within their respective jurisdictions. In Perth and Dundee nothing has been discovered which can lead me to believe, that measures have been taken in either of these places for making arms, the manufacture of which seems to have been confined to Edinburgh, and intended to have been gradually dispersed from thence to such places as require them. No such weapons have been discovered at Paisley or in its neighbourhood, though the intention of arming and holding regular nightly meetings are perfectly ascertained.

Information has also been communicated, of the authenticity of which there is no room to doubt, that a conspiracy has been formed, as soon as a proper number of these weapons were distributed among the Friends of the people in Edinburgh, to seize in the night the persons of the principal magistrates and officers of the law, the banks, the public offices, guards, and prison, and after enticing the soldiery from the Castle, by kindling a fire in the middle of the city, to intercept them on their return, by means of different armed parties to be properly stationed for that purpose.

It appears likewise from indisputable facts, that the most secret and artful means have been and are still using with the Fencible regiments in Scotland to excite them to disobedience and mutiny. The printed paper which I herewith transmit, has been industriously circulated for that purpose.

I have the honour to be, my Lord,
Your Lordship's most obedient humble servant,

HENRY DUNDAS.

Marquis of Stafford.

Inclosed in Mr. Dundas's Letter to Lord Privy Seal, dated May 23d, 1794.

(Copy.) *

FRIENDS AND BRETHREN,

IT is with the greatest pleasure that your countrymen are informed, That such is your attachment and love to them, and to your native country, that you manfully and firmly resolve not to leave it upon any terms contrary to those upon which you were first engaged. Your countrymen love you; and their hearts would be as much wounded to part with you, as yours would be to be separated from them. They well know that they are safe under the protection of their *fathers*, their *sons*, their *brothers* in *arms*; and they neither wish nor desire any other defenders.—They hope and believe that *your* hearts are filled with the same sentiments.

* The words in *Italicks* are in large letters in the printed copy.

The great mass of the *people*, from amongst whom you have inlisted, have been represented to you as your enemies; believe not the assertion; they have been taught to consider *you* as foes; but they do not fear finding friends among their brethren.

Their cause and yours is the same.—They are poor, but they have honest hearts; hearts which sympathise in *your* cause; they look for the same friendship and the same sympathy in *you*. They rejoice to hear that you are becoming daily more convinced of the great truth that the *law* ought to be the same to the *Highlander* and to the * *Lowlander*; to the rich and to the *poor*; and that no man can be *compelled* to take up arms, by *any authority whatsoever*, unless *his own inclinations prompt him so to do*.

This truth has been hitherto carefully concealed from you, but it is not less certain. The will of your *Laird* cannot *without* your *own consent*, separate you from your families and friends, although many of you may have experienced the exertions of such a power, however unjust, and however contrary to law.

We respect and admire the principle which induces you (though necessity has compelled you to take up arms) still to persist in remaining to defend your friends at home; and not to quit a country which holds pledges so dear.

When *you* are gone, where is their defence?—They may be either left *without protection*, or may soon see their country over-run by *foreign troops*; such as in time past have already shed the blood of your ancestors without provocation, and without remorse; and who would feel perhaps as little compunction in shedding *theirs*.

Prepared for every deed of horror, these foreign mercenaries may *violate the chastity* of your wives, your sisters, and your daughters, and, when desire is satiated, *cruelty* may resume its place in their hearts, as experience has too well and too fatally shewn; and friends, parents, children, brothers, may be involved in one common slaughter. The cruel massacre of Glencoe cannot yet be forgotten: Are there not amongst you whose forefathers perished there? Their hearts, throbbing with kindness and hospitality, were pierced with the daggers of their treacherous guests; and the feast prepared by the hand of unsuspecting friendship was closed with a scene of blood! Such is the return for kindness and hospitality! Such the protection which your families have to expect!!!

How will they then look around in vain for *your* protecting care, when perhaps you are fighting at a distance in a foreign land? But they hope you will not forsake them. Stay, oh stay, and defend your families and friends! *for that purpose alone you were inlisted*. They are ready to come forward for *you* in the vindication of *your rights*.

Thousands join in the same sentiments with *you*, and ardently wish for your continuance amongst them. The circumstances which might require you to quit your country *have not yet taken place*. No invasion has yet happened. You cannot be *compelled* to go. Leave not your country —Assert your independence. Your countrymen will look up to *you* as their *Protectors* and *Guardians*, and will in *their* turn lift up their arms to protect and assist *you*.

Dundee, April 12th 1794.

Sic. in orig.

No. III.

Letter from the Right Honourable Mr. Secretary Dundas to the Lord Privy Seal, dated Whitehall, 24th May, 1794.

Whitehall, 24th May, 1794.

My Lord,

I HAVE received no further accounts of the result of the inquiries going on in Edinburgh; but I am sorry to state that I have received information from the Sheriff of the county of Renfrew, confirmed by letters received from other respectable persons in Paisley, that the Magistrates of that place having, in the course of their inquiries, committed on the afternoon of the 19th a man to custody for further examination, a considerable number of persons (several hundreds assembled in the evening, and after choosing a President, whom they addressed by the title of Citizen President) voted a number of resolutions to the following purpose:

That a National Convention should be immediately called, to which they would send delegates.

That they should not petition Parliament, as it was to themselves alone, and to such Convention, they could look for redress.

They then proceeded to consider the conduct of the Sheriff and Magistrates in committing their brother Citizen, as he was termed: And after much discussion as to the propriety of immediately releasing him by force, the majority seemed inclined to take mild measures first, and to send a deputation to ask his release; but the Magistrates having received information of what was intended, and dismissed the man from custody, the mob dispersed with three Cheers, having been previously instructed by their President to abstain from further tumult, and to observe a peaceable and orderly conduct.

The authority of the Civil Magistrate is in the mean time entirely superseded, and until a proper force is sent to protect them in the future execution of their duty, which has been anxiously required by the Sheriff and Magistrates, they dare not proceed in the common course of legal and judicial inquiry against any of the persons who are suspected of being concerned in these violent and tumultuary proceedings. But it cannot escape the observation of the Committee, how accurately this intelligence corresponds with, and confirms the information yesterday communicated, as to the state of the minds of these people in that neighbourhood, the alarm which their leaders feel as to the result of the legal inquiries at present depending, and the regular systematic connection between them and the leaders at Edinburgh, as discovered from the yet unfinished and hasty examinations taken in that city.

I have the Honour to be,
My Lord,
Your Lordship's most obedient
Humble Servant,
HENRY DUNDAS.

The most Noble
The Marquis of Stafford.

No. IV.

Letter from the Right Honourable Mr. Secretary Dundas to the Lord Privy Seal, dated Whitehall, 27th May, 1794.

Whitehall, 27th May, 1794.

My Lord,

I HAVE this morning received farther information from Scotland, which appears to me proper to be communicated to the Committee.

The persons in whose custody the weapons formerly described were found, appear to have acted for some time past under the name of a Committee of Ways and Means appointed by the British Convention; and to have been empowered by the various societies throughout Scotland to direct all their future proceedings, by means of emissaries privately dispatched to different parts of the country. The Committee has signified to, and prepared a number of the societies for the approaching Convention in England; many of whom have chosen, and all, as far as is yet known, agreed to choose delegates to attend it, and subscribe for their expences. The time and place of Meeting was not divulged; and were to be communicated from Edinburg, in proper time, by individuals to be sent from thence for that purpose, whose arrival was daily looked for by several of the different societies. One of the Members of the late Convention at Edinburgh appears, within this fortnight past, to have been dispatched, and to have actually performed an extensive tour through the West part of Scotland; to have visited, in his progress, the towns of Queensferry, Falkirk, Stirling, St. Ninians, Kilsyth, Kirkintulloch, Camprie, Glasgow, and Paisley; in all of which places he appears to have met with the principal persons concerned in these societies; to have left with them and the Members of the societies copies of a circular letter from the Committee of Edinburgh, and instructed them in what manner they were in future to carry on their correspondence: and to have suggested to them the propriety of furnishing themselves with arms for the purposes of defence, under the pretence of defending themselves against foreign troops.

An attempt has been made to distribute some of the weapons lately discovered at Edinburgh, by means of persons privately dispatched to the country for that purpose, and which seems only to have failed in its execution from the timidity of the persons solicited to do so.

An individual of the same description has been taken into custody in the country, who appears to have commissioned, and actually received from England some muskets and bayonets: On being questioned by the proper Magistrate, he has refused giving any explanation farther than that he commissioned them in the way of his business. But it does not appear that he ever dealt in such articles before; no person appears to have commissioned him to procure any such, and there seems to be full evidence of his having solicited others to purchase what they of themselves were not thinking of, or wishing to provide.

He admits having corresponded with the London Corresponding Society on the subject of a Convention, and that the society, of which he is a leader, had agreed to send delegates to it as soon as the time and place of meeting should be divulged.

A requisition has been made by the Magistrates and principal inhabitants of Paisley for a military force to protect them in the execution of their duty, and in their persons and properties, which has been duly at-

tended to. It is with much satisfaction I inform your Lordship, that the gentlemen of estate and character in the county of Renfrew have voluntarily stepped forward, and determined to support the authority of the Civil Magistrate.

I have the Honour to be,
My Lord,
Your Lordships most obedient
Humble Servant,
HENRY DUNDAS.

No. V.

Letter from the Right Honourable Mr. Secretary Dundas to the Lord Privy Seal, dated Whitehall, 2d June 1794.

MY LORD, *Whitehall, 2d June, 1794.*

THE Information I have received this Morning from Edinburgh enables me to state to the Committee, that the transactions communicated in my former letters are farther cleared up by the inquiries which have since taken place in that City.

Some of the persons who absconded on the first discovery of the arms concealed in certain Houses have been discovered and apprehended; and the result of these farther inquiries confirms, in almost every particular, the account received from other Quarters, and the import of which I have already laid before the Committee. The establishment of a Secret Committee at Edinburgh, invested with full powers to direct the future operations of the Societies throughout Scotland; the regular correspondence privately carried on by means of emissaries dispatched to the different towns; the ascertaining the exact number of persons in these Societies who were directed to provide themselves with arms, and to hold themselves in readiness for any measure which the Secret Committee might in due time communicate, are confirmed by every account and information which the Magistrates have received: and an individual, who has been lately taken into custody, has confirmed the account received from a different quarter of the dangerous design, planned by the Edinburgh Committee, of effecting a general insurrection as soon as they were ready and prepared for carrying it into execution, by the seizure of the principal Magistrates and Officers of the Law at midnight, and possessing themselves of the Prisons and Public Offices, as stated to your Lordship in my letter of the 23d of May, and then communicated through a different channel from that through which the present confirmation of these circumstances has been received. The plan seems not only to have been discussed and deliberated on by the Ringleaders at Edinburgh, but to have proceeded a certain degree in its steps towards actual execution, which appear to have been conducted with the utmost caution; and there is reason to believe, that the execution of the plan was not to be confined to Edinburgh, but was meant to take place in some of the most considerable towns in Scotland on a certain day, and at one and the same time. The proper and usual steps have been taken for bringing the Offenders to trial; and those against whom the information chiefly points, are detained in custody.

I have the Honour to be, My Lord,
Your Lordship's most obedient Humble Servant,
HENRY DUNDAS.

END OF THE THIRTY-NINTH VOLUME.